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The Commonwealth of Massachusetts

HANDBOOK

OF THE

DEPARTMENT OF MENTAL HEALTH

Not Acc.

Massachusetts. Laws, statute
etc.

The Commonwealth of Massachusetts

HANDBOOK OF

THE DEPARTMENT OF MENTAL HEALTH

INCLUDING THE

STATE HOSPITALS, STATE SCHOOLS FOR FEEBLE-MINDED AND PRIVATE INSTITUTIONS FOR THE INSANE AND FEEBLE-MINDED

1944

Medical Library
Saint Elizabeths Hospital

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NOTE.—The last manual of the laws relating to the insane, feeble-minded and epileptic was published by the Department in 1935. Amendments to these laws, up to and including 1943 have been inserted in the present publication.

Forms prescribed for admission to institutions may be obtained at the office of the Department of Mental Health, Room 701, 100 Nashua Street, Boston, Mass.

DEPARTMENT OF MENTAL HEALTH
Room 701, 100 Nashua Street
Boston, Mass.
Telephone Capitol 7320

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Melrose, Mass.

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8 Francis Circuit
Winchester, Mass.

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Danvers, Mass.

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Salomon Gagnon, M.D.
56 Bellevue Street
West Roxbury, Mass.

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DIVISIONS OF THE DEPARTMENT

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Commissioner

EXECUTIVE DIVISION

MEDICAL DIVISION

FRANCIS H. SLEEPER, M.D.
First Assistant Commissioner . . . . . Director

DIVISION OF MENTAL HYGIENE

WILLIAM C. INMAN, M.D. . . . . Director
Habit Clinics
ELLA PRESCOTT CAHILL, M.D.

DIVISION OF STATISTICS

ROLLIN V. HADLEY, M.D. . . . . Acting Director

DIVISION OF MENTAL DEFECTIVES

ROLLIN V. HADLEY, M.D. . . . . Acting Director

DIVISION OF PSYCHIATRIC INSTITUTE PATHOLOGICAL RESEARCH

WALTER W. JETTER, M.D. . . . . Director

FINANCIAL DIVISION

ORIN S. KENNEY . . . . . Director
CLARENCE B. MAYNARD . . . . . Acting Business Agent
WALTER E. BOYD . . . . . Supervising Hospital Construction Engineer

DIVISION OF SETTLEMENT AND SUPPORT

PAUL A. GREEN . . . . . Supervisor

DEPARTMENT OF MENTAL HEALTH

PUBLIC INSTITUTIONS FOR THE MENTALLY ILL, EPILEPTIC AND MENTALLY DEFICIENT

HOSPITALS FOR MENTAL HEALTH

BOSTON PSYCHOPATHIC HOSPITAL

74 Fenwood Road, Boston
Director, HARRY C. SOLOMON, M.D.
Telephone, Longwood 4900

BOSTON STATE HOSPITAL

Post Office, Dorchester Center; Railroad Station, Forest Hills
Superintendent,
Location: Administration building, 591 Morton Street, corner Harvard Street; East Group, Harvard Street, Dorchester, near Blue Hill Avenue: West Group, Walk Hill Street, Dorchester.
Telephone, Geneva 6000

DANVERS STATE HOSPITAL

Post Office, Hathorne; Railroad Station, Danvers
Superintendent, CLARENCE A. BONNER, M.D.
Location: Maple and Newbury Streets, Danvers, on the Newburyport Turnpike, 2½ miles from Railroad Station to Hathorne. Bus service from Salem and Lawrence; from Haymarket Square, Boston to Salem; at Salem take Lawrence bus directly to hospital.
Telephone, Danvers 37

FOXBOROUGH STATE HOSPITAL

Post Office and Railroad Station, Foxborough
Superintendent, RODERICK B. DEXTER, M.D.
Location: One mile north of Foxborough Center. Bus from Foxborough Station to and from the hospital. Route 1, Boston—Providence, passage within 1 mile of the hospital, the approach being through South Walpole.
Telephone, Foxborough 351

GARDNER STATE HOSPITAL

Post Office and Railroad Station, East Gardner
Superintendent, CHARLES E. THOMPSON, M.D.
Location: East Gardner, two minutes' walk from East Gardner Railroad Station; three miles from Gardner. By auto: Leave Route 2 at Westminster.
Telephone, Gardner 22

GRAFTON STATE HOSPITAL

Post Office and Railroad Station, North Grafton
Superintendent, HARLAN L. PAINE, M.D.
Location: Hospital is situated on main line of Boston & Albany R.R., between North Grafton and Westborough Stations, and on Automobile Route 30. It is about 8 miles from Worcester and can be reached by bus from there or from Westborough or North Grafton.
Telephone, Worcester 45359

MEDFIELD STATE HOSPITAL

Post Office, Harding; Railroad Station, Medfield Junction
Superintendent, Earl K. Holt, M.D.
Location: Hospital road 1 mile from Medfield Junction R.R. Station, approximately 2 miles from Medfield Center. Automobile routes from Boston: Route 1A to Dedhan, Route 109, from Dedham to Medfield Center. Automobile Route 27 (North) from Medfield Center direct to hospital entrance.
Telephone, Medfield 190

METROPOLITAN STATE HOSPITAL

Post Office, Waltham; Railroad Station, Waverley
Superintendent, William C. Gaebler, M.D.
Location: Trapelo Road, Waltham. About 2 miles from Waverley Square (Fitchburg Division and Southern Division Boston & Maine R.R.) or Boston Elevated from Harvard Square. Bus service from Waverley Square to hospital.
Telephone, Waltham 4300

NORTHAMPTON STATE HOSPITAL

Post Office and Railroad Station, Northampton
Superintendent, Arthur N. Ball, M.D.
Location: Prince Street, Northampton. 1½ miles from Railroad Station (Boston & Maine, N. Y., N. H. & H. R.R.). Taxicab service from the station. Bus service from Northampton, Holyoke and Springfield.
Telephone, Northampton 1644

TAUNTON STATE HOSPITAL

Post Office and Railroad Station, Taunton
Superintendent, Ralph M. Chambers, M.D.
Location: Hodges Avenue. One mile from Railroad Station (N.Y., N.H. and H. R.R.). Automobile route from Taunton Green: Follow through Court Street, take first right which is Hodges Avenue and follow through for about 1 mile to main Building.
Telephone, Taunton 630

WESTBOROUGH STATE HOSPITAL

Post Office and Railroad Station, Westborough
Superintendent, Walter E. Lang, M.D.
Location: 2¼ miles from Westborough Station (Boston & Albany R.R.). One mile from Talbot Station (N. Y., N. H. & H. R.R.). By bus or automobile by way of Boston and Worcester Turnpike to Lyman Street; Westborough Hospital is 1¼ miles north on Lyman Street.
Telephone, Westboro 441

WORCESTER STATE HOSPITAL

Post Office and Railroad Station, Worcester
Superintendent, Bardwell H. Flower, M.D.
Location: Belmont Street, Worcester, 1½ miles from Union Station (Boston & Albany R.R.; N. Y., N. H. & H. R.R.; and Boston & Maine R.R.). Can be reached by automobile or bus, Boston & Worcester Turnpike. Route 110, Lowell to Worcester. The Summer Street Department is located in the building formerly known as the Worcester State Asylum on Summer Street, Worcester, about five minutes' walk from Union Station.
Telephone, Worcester 24681

MONSON STATE HOSPITAL (*Epileptic*)

Post Office and Railroad Station, Palmer

Superintendent, Morgan B. Hodskins, M.D.

Location: 1 mile from railroad station. Can be reached by various automobile routes Boston to Palmer. Bus service from Palmer to hospital.

Telephone, Palmer 195

SCHOOLS FOR MENTAL DEFECTIVES

BELCHERTOWN STATE SCHOOL

Post Office, Belchertown

Railroad Station, C. V. R.R., Belchertown

Railroad Station, B. & M. R.R., (freight only) Belchertown

Superintendent, Henry A. Tadgell, M.D.

Location: ¼ mile from Railroad Station on the State road to Holyoke, ½ mile fron the center of the town. On Route 9 Boston to Pittsfield, through Worcester. There are direct bus connections with Amherst, Holyoke, Ware and Springfield. At Amherst, buses also connect with others from Northampton and Greenfield.

Telephone, Belchertown 2311

WALTER E. FERNALD STATE SCHOOL

Post Office and Railroad Station, Waverley

Superintendent, Ransom A. Greene, M.D.

Location: About 1 mile from Waverley Station (Fitchburg Division and Southern Division Boston & Maine R.R.) or Boston Elevated from Harvard Square. Institution entrance is on Waverley Oaks Road on Route 60. Bus service from Waverley Square is provided half-hourly by the Middlesex and Boston Street Railway to Waverley Oaks Road entrance to the school; and hourly by the Metropolitan Coach Company directly to the school grounds.

Telephone, Waltham 3600

WRENTHAM STATE SCHOOL

Post Office and Railroad Station, Wrentham

Superintendent, C. Stanley Raymond, M.D.

Location: Emerald Street 1 mile from Railroad Station (N. Y., N. H., & H. R.R.) ½ mile from Winter Street stop Boston and Providence bus line. By automobile Route 1-A to Winter Street, Wrentham.

Telephone, Wrentham 24

Institutions where limited legal supervision of mental patients is exercised by the Department without fiscal control

MENTAL WARDS, TEWKSBURY STATE HOSPITAL AND INFIRMARY

Post Office, Tewksbury; Railroad Station, Baldwin
Superintendent, C. WINTHROP HOUGHTON, M.D.
Location: About ½ mile from bus line; Lowell to Boston over Route 38; 5 miles from Lowell, 20 miles from Boston.
Telephone, Lowell 6833

BRIDGEWATER STATE HOSPITAL

Post Office, State Farm; Railroad Station, South Bridgewater
Medical Director,
Superintendent, JAMES E. WARREN
Location: ¼ mile from railroad; may be reached by automobile by way of direct road to the Cape, Route 28.
Telephone, Bridgewater 941 or 942

HOSPITAL COTTAGES FOR CHILDREN

Post Office and Railroad Station, Baldwinville
Superintendent, MARK L. BALL
Location: Bridge Street, 1 mile from Railroad Station. Main line, Boston & Maine, from Boston to Troy. N. Y. State Highway Route 68 and 32 and U. S. Route 202 pass through Baldwinville.
Telephone, Baldwinville 321

MASSACHUSETTS PRIVATE INSTITUTIONS

Authorized to care for Mentally Ill and Other Classes

FOR MENTALLY ILL, EPILEPTIC AND PERSONS ADDICTED TO THE INTEMPERATE USE OF NARCOTICS OR STIMULANTS

BOURNEWOOD HOSPITAL
300 South Street, Brookline
George H. Torney, M.D.
Telephone, Parkway 0300

CHANNING SANITARIUM, INC.
Wellesley Avenue, Wellesley
Clifford G. Rounsefell, M.D.
Telephone, Wellesley 0464

GLENSIDE
6 Parley Vale, Jamaica Plain
Mabel D. Ordway, M.D.
Telephone, Arnold 0044

McLEAN HOSPITAL
Waverley
W. Franklin Wood, M.D.
Telephone Belmont 0700

RING SANATORIUM AND HOSPITAL, INC.
Arlington, Heights
Volta R. Hall, Jr., M.D.
Telephone, Arlington 0081

WISWALL SANATORIUM
203 Grove Street, Wellesley
Edward H. Wiswall, M.D.
Telephone, Wellesley 0261

WESTWOOD LODGE
Westwood
William J. Hammond, M.D.
Telephone, Norwood 0168

BOSWORTH HOSPITAL
166 Lancaster Terrace, Brookline
Alfred Hauptmann, M.D.
Telephone, Aspinwall 8170

BALDPATE, INC.
Georgetown
George M. Scholmer, M.D.
Telephone, Georgetown 2131

VETERANS' HOSPITALS

VETERANS' ADMINISTRATION FACILITY
Northampton
William M. Dobson, M.D.
Telephone, Northampton 2400

VETERANS' ADMINISTRATION FACILITY
Bedford
Winthrop Adams, M.D.
Telephone, Lexington 1462

FOR EPILEPTICS AND FEEBLE-MINDED

THE LILA SANATORIUM

732 Main Street, Woburn
James Marvin Baty, M.D.
Telephone, Woburn 1834
For the care of epileptic and feeble-minded children under twelve years of age.

FOR PERSONS ADDICTED TO THE INTEMPERATE USE OF NARCOTICS OR STIMULANTS

PRIVATE HOSPITAL

45 Center Street, Roxbury
Frederick L. Taylor, M.D.
Telephone, Garrison 9401

WASHINGTON HOSPITAL

41 Waltham Street, Boston
Joseph Thimann, M.D.
Telephone, Hancock 1750

FOR FEEBLE-MINDED

ELM HILL PRIVATE SCHOOL AND HOME FOR THE FEEBLE-MINDED

Barre
G. Percy Brown, M.D.
Telephone, Barre 123-3

THE PERKINS SCHOOL

Lancaster
Franklin H. Perkins, M.D.
Telephone, Clinton 1170W

THE FREER SCHOOL

31 Park Circle, Arlington Heights
Miss Cora E. Morse
Telephone, Arlington 1995

THE POLLOCK SCHOOL, INC.

28 Alton Place, Brookline
Morris P. Pollock
Telephone, Aspinwall 3970

THE SMITH SCHOOL FOR THE DEVELOPMENT OF THE INDIVIDUAL CHILD

68 Smith Road, Milton
Mr. Mark A. Laurie
Telephone, Hyde Park 0031M

CLARKE SCHOOL

16 Summit Street, Newton
Miss Edith G. Clarke
Telephone, Lasell 3869

THE DEPARTMENT OF MENTAL HEALTH

The Department of Mental Health has supervision of all public and private institutions for the mentally ill, feeble-minded, epileptic and for persons in private hospitals addicted to the intemperate use of narcotics or stimulants. It has the right to make investigation and recommendation as to any matter relating to the classes under care. Each State institution has, however, its own Board of Trustees appointed by the Governor and Council. The direct powers of the Department concern the inter-relations of institutions and matters which are common to them all, such as the distribution and transfer of patients, deportations to other States and Countries, claims for support as State charges, etc.

The expenditure of money under special appropriations is under the control of the Department which is required to prepare plans for new buildings and to select land to be taken for new or existing institutions.

The Department also analyses all requests for maintenance appropriations. The Statutes relating to the powers and duties of the Department are to be found in Chapters 19 and 123, General Laws.

GENERAL LAWS

RELATING TO

INSANE PERSONS AND OTHER CLASSES UNDER THE SUPERVISION OF THE DEPARTMENT OF MENTAL HEALTH

Chapter 19, General Laws

DEPARTMENT OF MENTAL HEALTH

Sect.		Sect.	
1.	Dpartment of mental health.	4A.	Division of Mental Hygiene.
2.	Commissioner, Assistant commissioners.	5.	Public institutions in the department.
3.	Repealed.	6.	Boards of trustees of public institutions.
4.	Commissioner. Certain duties.		

1938, 486, § 1. 1941, 194 § 2.

Section 1. **Department of Mental Health.** There shall be a department of mental health, in this chapter called the department, and a commissioner of mental health who shall have the exclusive supervision and control of the department. All action of the department shall be taken by the commissioner or, under his direction, by such agents or subordinate officers as he may determine. There shall be in the department an assistant commissioner, qualified as hereinafter provided, who shall perform such duties as the commissioner may prescribe, and a second assistant commissioner qualified as hereinafter provided who shall, under the direction of the commissioner, have charge of the financial matters relating to the department and perform such other duties as the commissioner may prescribe. The commissioner and assistant commissioner shall be physicians who are diplomates in psychiatry of the American Board of Psychiatry and Neurology, Incorporated, and shall have had at least five years' experience on the resident administrative staff of a state or federal hospital for mental diseases or in any equivalent psychiatric organization, or at least four years' experience as aforesaid and at least one year's experience in the department controlling such hospital. The second assistant commissioner shall be a man of business experience qualified to undertake the management of the financial and business interests of the department. In the event of the disability or absence of the commissioner, or of a vacancy in his office by reason of death or otherwise, the assistant commissioner shall exercise the powers and perform the duties of the commissioner. In the event of the death, absence or disability of both the commissioner and the assistant commissioner, the governor, with the advice and consent of the council, may appoint an acting commissioner, who shall serve until the commissioner or the assistant commissioner is able to perform the duties of the office.

1898, 433, § 1. See 1938, 486, §§ 1, 21, 22. 1939, 511, § 1, 3.
1914, 762, §§ 1, 9. R.L. 87, § 1. 1909, 504, §§2, 107.
1938, 486, § 2. 1916, 285, §§ 1, 2. 1919, 350, § 79.

Section 2. **Commissioner, Assistant Commissioners.** Upon the expiration of the term of office of the commissioner, his successor shall be appointed for six years by the governor, with the advice and consent of the council; and the commissioner shall receive such salary, not exceeding ten thousand dollars, as the governor and council may determine. Upon the expiration of the term of office of an assistant commissioner, his successor shall be appointed for four years by the commissioner, with the approval of the governor and council; and the assistant commissioner shall receive such salary, not exceeding seventy-five hundred dollars, as the governor and council may determine. Upon the expiration of the term of office of the second assistant commissioner, his successor shall be appointed for four years by the commissioner, with the approval of

the governor and council; and the second assistant commissioner shall receive such salary, not exceeding five thousand dollars, as the governor and council may determine. The commissioner, assistant commissioner and second assistant commissioner shall be reimbursed for expenses necessarily incurred in the performance of their duties, and shall devote their entire time to the affairs of the department.

1898, 433, §§ 1, 2.
1914, 762, §§ 1, 9.
1921, 443.
1939, 511, § 2.
See 1939, 511, § 3.
R.L. 87, §§ 1, 2.
1916, 285, §§ 1, 2.
1930, 376, § 1.
1909, 504, §§ 2, 3, 107.
1919, 350, § 79.
1938, 486, § 3.
See 1938, 486, §§ 21, 22.

SECTION 3. Section three of said chapter nineteen relative to associate commissioners, as so appearing, is repealed.

1938, 486, § 4.

SECTION 4. **Commissioner. Certain Duties.** The commissioner may organize in the department such divisions as he may determine. He shall appoint and may remove such agents and subordinate officers as he may deem necessary. Physicians, pathologists and psychiatrists shall be exempt from chapter thirty-one.

1879, 291, §§ 3, 7.
R.L. 87, §§ 2, 3.
1916, 285, §§ 4, 8.
P.S. 79, §§ 2, 3.
1909, 504, §§ 3, 4, 107.
1919, 350, § 80.
1931, 13; 301, § 83.
1898, 433, §§ 2, 3.
1914, 762, §§ 1, 3, 9.
1938, 486, § 5.
See 1938, 486, §§ 21, 22.

SECTION 4A. **Division of Mental Hygiene.** There shall be in the department a division of mental hygiene, in charge of a director. The commissioner, with the approval of the governor and council, may employ such expert assistance to serve in said division as may be necessary.

1922, 519, § 1.
1938, 486, § 6.
See 1938, 486, §§ 21, 22.

SECTION 5. **Public Institutions in the Department.*** The boards of trustees of the following public institutions shall serve in the department: Belchertown state school, Boston psychopathic hospital, Boston state hospital, Danvers state hospital, Foxborough state hospital, Gardner state hospital, Grafton state hospital, Walter E. Fernald state school, Medfield state hospital, Metropolitan state hospital, Monson state hospital, Northampton state hospital, Taunton state hospital, Westborough state hospital, Worcester state hospital and Wrentham state school.

1862, 223, § 1.
1877, 252, § 1.
P.S. 87, § 2.
1884, 322, § 1.
1892, 425, § 1.
1895, 483, § 1.
1900, 451, § 5.
R.L. 87, §§ 13, 16.
1905, 400.
1906, 313; 508.
1907, 421.
1908, 613, § 2.
1909, 504, §§ 14, 107.
1914, 358, 442 §§ 1–3.
1915, 79, §§ 1–3.
1919, 350, § 81.
1920, 537.
1922, 410, § 2.
1925, 293, § 1.
1930, 403 § 2.
1935, 314, § 2.

SECTION 6. **Boards of Trustees of Public Institutions.*** The board of trustees for each of the institutions mentioned in the preceding section, except the Walter E. Fernald state school, shall consist of seven members; provided, that at least two of such members shall be women. One member of each board, except as aforesaid, shall annually in January be appointed for seven years from the first Wednesday of the following February by the governor, with the advice and consent of the council. The board of trustees of the Walter E. Fernald state school shall consist of six members on the part of the commonwealth, one of whom shall annually be appointed for six years by the governor, with the advice and consent of the council,

*Provision is made to include the Norfolk State Hospital under the provisions of Sections 5 and 6 when such a hospital is constructed and the Governor has issued a Proclamation establishing it. (Chapter 421, Acts 1935, as amended by chapters 194, sec. 20 and chap. 722, sec. 12. Acts of 1941.)

and of six members to be elected by the school, subject to the approval of the governor and council. All the above trustees shall serve without compensation, but shall be reimbursed for all expenses incurred in the performance of their duties.

1832, 163, §§ 1, 8.
1834, 150, §§ 1, 4.
1835, 4.
R.S. 48, §§ 1, 2, 17.
1851, Res. 44.
1853, 318, § 1.
1856, 247, §§ 1, 3.
1859, 177, § 3.
G.S. 73, §§ 1, 3.
1877, 252, § 1.
1878, 126, § 2.
1879, 291, § 7.
P.S. 79, § 3; 87, §§ 4, 6, 55, 56.
1883, 239, § 1.
1884, 149; 322, §§ 3, 5.
1889, 414, §§ 1, 15.
1892, 425, §§ 1, 4.
1893, 256.
1895, 483, §§ 2, 7.
1900, 451, §§ 4, 6.
R.L. 87, §§ 14, 18-22, 26, 113, 114.
1902, 542.
1906, 508, §§ 1, 2.
1908, 613, § 2.
1909, 504, §§ 15, 17, 59, 60, 107, 1914, 358.
1915, 79, § 4.
1918, Sp. 119.
1919, 350, § 81.
1920, 537, § 2.
1921, 449, § 2.
1922, 410, § 3.
1925, 293, § 2.
1931, 426, § 52.
1935, 314, § 1.

Chapter 123, General Laws

COMMITMENT AND CARE OF THE INSANE AND OTHER MENTAL DEFECTIVES

General Provisions

Sect.
1. Definitions.
2. Care of the insane, feebleminded, epileptie, etc.

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3. Department, scope of supervisory authority.
3A. Department, duties relative to mental health.
4. Department, commissioner to be executive head.
5. Department may investigate sanity of inmates of institutions.
6. Department made corporation to manage certain trust property.
7. Management of state hospitals by department.
8. Department, duties relative to new construction.
8A. Roads at state hospitals.
9. Department and trustees, semi-annual meetings.
10. Department to establish, etc., hospital districts. Commitments regulated.
11. Department to encourage scientific investigations. Reports, etc.
12. Department may establish, etc., free clinics for feebleminded.
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23. Department to apply for commitment, when.
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25. List of state hospitals.

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30. Instruction of patients, etc.
31. Visits to persons boarded out by trustees.
32. Supervision of accounts.

Private Hospitals, Etc.
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33. Private institutions, licenses to maintain. Supervision by department.
34. Illegal maintenance of such institutions penalized.
34A. Federal hospitals for insane veterans, licenses to maintain.

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35. Restraint regulated.
36. Restraint, custody of implements.
37. Restraint, records of, etc. Definition.
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39C. Disposition of certain unclaimed funds of patients at state hospitals.
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44. Repealed.
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46. Same subject. Reception, classification and discharge of pupils.
47. Same subject. Voluntary admission of certain feebleminded persons.
48. Hospital cottages for children. Trustees, powers and duties. Report.
49. Same subject. Certain children to be sent to.

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51. Order of commitment.
52. Additional medical testimony. Fee.
53. Qualifications of physicians certifying to insanity.
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91. Discharge, application for.
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97. Attorney may visit patients, when.
98. Patients may write to the department. Other correspondence regulated.

Examination of Persons Coming before Courts
99. Mental condition of persons coming before courts, how determined. Expenses.
100. Commitment to state hospitals of persons under indictment.
100A. Investigation of mental condition of certain persons held for trial. Notice. Fees. Penalty.
101. Commitment of persons acquitted of murder, etc., by reason of insanity. Discharge.

Insane Prisoners
102. Insane prisoners, examination. "Superior court" defined, for purposes of §§ 102 and 103.
103. Insane prisoners, removal to state hospital.
104. Insane prisoners, removal from jails, houses of corrections, etc.
105. Reconveyance of prisoners restored to sanity, not dangerously insane, etc.

Rendition
106. Rendition of insane persons.
107. Warrant.
108. Writ of habeas corpus, when.
109. Payment of expenses.

Certain Acts Forbidden
110. Conspiracy to commit a sane person. Penalty.
111. Ill-treatment, etc. Penalty.
112. Escape, connivance at. Penalty.

Defective Delinquents and Drug Addicts
113. Commitments to department for defective delinquents, or to department for drug addicts.
114. Removal from institution because of violation of regulations.
115. Physicians' certificate to be filed in certain cases. Fees.
116. Removal from school for feebleminded for violation of regulations, etc.
117. Departments for defective delinquents and for drug addicts.
117A. Return to penal institutions.
118. Parole, etc.
119. Parole and discharge by order of court.
120. Powers of special justices of courts in certain cases.
121. Records of proceedings of commitments.
122. Commitments of defective delinquents, how made.
123. Expenses of commitment, etc.
124. Time of taking effect of certain provisions.

Section 1. **Definitions.** The following words as used in this chapter, unless the context otherwise requires, shall have the following meanings:

"Commissioner", the commissioner of mental health.

"Department", the department of mental health acting by and through the commissioner of mental health, or by and through the assistant commissioner of mental health in case of the disability or absence of the commissioner, or in case of a vacancy in his office by reason of death or otherwise, or by and through an acting commissioner of mental health in case of the absence or disability of the commissioner and the assistant commissioner.

"Institution", hospital or other institution, public or private, under the general supervision of the department.

"Judge", judge or justice.

"Residence", residence or place where found.

"State hospital", state hospital, state school, state colony or other state institution under the control of the department.

"State", state, territory, or dependency of the United States.

1938, 486, § 7.

Section 2. **Care of the Insane, Feeble-Minded, Epileptic, etc.** The commonwealth shall have the care, control and treatment of all insane, feeble-minded and epileptic persons, and of persons addicted to the intemperate use of narcotics or stimulants, the care of whom is vested in it by law, and of each person who shall hereafter be received into any state hospital. No county, city or town shall establish or maintain any institution for the care, control and treatment of insane, feeble-minded or epileptic persons, or of persons addicted to the intemperate use of narcotics or stimulants, or be liable for the board, care, treatment or act of any inmate thereof.

1884, 234, §§ 1, 2. 1892, 243. 1895, 375. 1898, 196; 433, § 9.
1899, 156. 1900, 451, §§ 1, 2, 6. R.L. 87, §§ 6, 81, 109. 1903, 321.
1905, 282. 1908, 613; 629. 1909, 504, §§ 1, 107. 1 Op. A. G. 50.

Section 3. **Department, Scope of Supervisory Authority.** The department shall have general supervision of all public and private institutions for insane, feeble-minded or epileptic persons, or for persons addicted to the intemperate use of narcotics or stimulants, and shall have charge of all such persons the care of whom is vested in the commonwealth by law, and supervision of all other persons received into any of said institutions. It shall supervise and control any institution placed under it by the governor with the advice and consent of the council, and when so directed by the governor it shall assume and exercise the powers of the trustees of any state hospital in any matter relative to the conduct or management thereof. It shall have the same powers relative to state charges in institutions under its supervision, and to their property, as is vested in towns and boards of public welfare in the matter of the support and relief of persons in need.

1898, 433, § 9. 1900, 451, §§ 1, 2, 6. R.L. 87, § 6. 1909, 504, §§ 7, 107.
1914, 762, §§ 2, 9. 1916, 285, § 3. 1918, 121. 1919, 350, § 81.
1928, 155, § 54. 194 Mass. 486. 4 Op. A. G. 79.

Section 3A. **Department Duties Relative to Mental Health.** The department shall take cognizance of all matters affecting the mental health of the citizens of the commonwealth, and shall make investigations and inquiries relative to all causes and conditions that tend to jeopardize said health, and the causes of mental disease, feeblemindedness and epilepsy, and the effects of employments, conditions and circumstances on

mental health, including the effect thereon of the use of drugs, liquors and stimulants. It shall collect and disseminate such information relating thereto as it considers proper for diffusion among the people, and shall define what physical ailments, habits and conditions surrounding employment are to be deemed dangerous to mental health.

1922, 519, § 2.

SECTION 4. **Department. Commissioner to be Executive Head.** The commissioner shall administer the laws relative to persons in institutions under his general supervision.

1879, 291, §§ 3, 7. 1898, 433, §§ 2, 3. P.S. 79, §§ 2, 3.
1909, 504, §§ 3, 4, 107. R.L. 87, §§ 2, 3. 1916, 285, § 4.
1914, 762, §§ 1, 9. 1938, 486, § 8. See 1938, 486, §§ 21, 22.

SECTION 5. **Department may Investigate Sanity of Inmates of Institutions.** The department shall act as commissioners of insanity, with power to investigate the question of the insanity and condition of any person who is an inmate of any institution for the insane, public or private, or restrained of his liberty by reason of alleged insanity at any place, within the commonwealth, and shall discharge any such person, if in its opinion he is not insane or can be cared for after such discharge without danger to others and with benefit to himself. All questions as to the sanity of inmates of the penal, reformatory and other institutions of the commonwealth who present indications of insanity shall be referred to and determined by the department, except as otherwise provided by law.

1879, 291, § 5. P.S. 87, § 1. 1886, 101, § 4. 1898, 433, § 13.
R.L. 87, § 8. 1909, 504, §§ 9, 107. 232 Mass. 500.

SECTION 6. **Department made Corporation to manage certain Trust Property.** The department shall be a corporation for the purpose of taking, holding and administering in trust for the commonwealth any grant, devise, gift or bequest made either to the commonwealth or to it, for the use of persons under its control in any state hospital, or, if the acceptance of such trust is approved by the governor and council, for expenditure upon any work which the department is authorized to undertake.

1910, 583, § 1. 1928, 338.

SECTION 7. **Management of State Hospitals by Department.** The department shall provide for the efficient, economical and humane management of the state hospitals. It shall establish by-laws and regulations, with suitable penalties, for the government of said state hospitals, shall determine the salaries of the officers and employees thereof in accordance with the provisions of sections forty-five to fifty, inclusive, of chapter thirty, and shall provide for a monthly inspection and trial of fire apparatus belonging thereto, and for the proper organization and monthly drill of the officers and employees in use of the apparatus. It shall ascertain by actual examination and inquiry whether commitments to the state hospitals are made according to law.

1832, 163, § 1. 1834, 150, § 1. 1884, 322, §§ 5, 6. R.S. 48, § 3.
G.S. 73, § 4. P.S. 87, § 7. 1895, 483, §§ 4, 6. 1889, 414, § 5.
1890, 378, § 3. 1892, 425, § 4. R.L. 87, §§ 15, 27. 1906, 508, §§ 2, 6.
1909, 504, §§ 18, 107. 1914, 762, §§ 6, 9. 1915, 241, § 1. 1931, 301, § 93.

SECTION 8. **Department Duties Relative to New Construction.** The department, subject to the approval of the governor and council, shall select the site of any new state hospital and any land to be taken or purchased by the commonwealth for the purposes of any new or existing state hospital. It shall have charge of the construction of any new building at any such state hospital, shall determine the design thereof, and for

this purpose may employ architects and other experts or hold competitions for plans and designs. If any land or property is taken or purchased by the department, title shall be taken in the name of the commonwealth.

1898, 433, § 10. R.L 87, § 7. 1906, 508, § 10. 1907, 520. 1909, 504, §§ 8, 107. 1914, 762, §§ 5, 9.

SECTION 8A. **Constructing and Maintaining Roads.** Upon request of the department, the department of public works may construct and maintain roads on the grounds or property of a state hospital; and expenses so incurred shall be paid from appropriations for the maintenance of such hospital.

1935, 301.

SECTION 9. **Department and Trustees Semi-Annual Meetings.** The department and the trustees of the state hospitals, or their representatives, shall meet semi-annually for consultation and to promote harmonious action.

1898, 433, § 20. R.L. 87, § 11. 1909, 504, §§ 13, 107.

SECTION 10. **Department to establish, etc., hospital districts. Commitments regulated.** The department shall divide the commonwealth into districts, may change the districts from time to time, and shall designate the state hospitals to which insane, epileptic and feebleminded persons and persons addicted to the intemperate use of narcotics and stimulants from each district shall be committed. All such persons within each district shall be committed to the state hospitals designated for the district; except that persons from any district may be committed to any of said state hospitals when the expense of their support is paid by themselves or friends or upon the written approval of the department, to the McLean Hospital, to any private institution the person having charge of which is licensed under section thirty-three or to an institution established and maintained by the United States government, the person having charge of which is licensed under section thirty-four A.

1887, 346, §§ 1, 2. 1896, 482. 1897, 451, § 3.
1898, 433, § 28. R.L. 87, §§ 31, 32. 1924, 287, § 1.
1941, 490, § 25.

SECTION 11. **Department to encourage Scientific Investigations. Reports, etc.** The department shall encourage scientific investigation by the medical staffs of the various institutions, shall publish from time to time bulletins and reports of the scientific and clinical work done therein, and shall prescribe to the superintendents or managers of the several institutions the forms of, and periods covered by, the statistical returns to be made by them in their annual reports.

1898, 433, §§ 5, 6. R.L. 87, § 5. 1909, 504, §§ 6, 107.

SECTION 12. **Department may Establish, etc., Free Clinics for Feebleminded.** The department may establish and maintain free clinics for the feebleminded in the districts established under section ten, which shall be in charge of physicians of the state schools for the feebleminded, or of such other physicians skilled in the care and treatment of the feebleminded as may be designated by it. It may also employ such persons as may be required properly to conduct the said clinics.

1919, 318, § 1.

SECTION 13. **Department may Establish, etc., Registry of Feebleminded, etc.** The department shall establish and maintain a registry of mental defectives, and may report therefrom such statistical information as it deems proper; but the name of any person so registered shall not be made public except, upon written request therefor, to public officials or

other persons having authority over the person so registered, or to charitable corporations incorporated in this commonwealth and subject to section twelve of chapter one hundred and eighty, and the records constituting the registry shall not be open to public inspection.

1919, 318, § 2. 1936, 286.

SECTION 13A. **Division of Mental Hygiene, Certain Powers and Duties.** Such of the powers and duties conferred or imposed upon the department, relating to the cause and prevention of mental diseases, feeble-mindedness, epilepsy and other conditions of abnormal mentality, as the commissioner may determine may be exercised and performed by the division of mental hygiene. In addition to said powers and duties, said division shall institute inquiries and investigations for the purpose of ascertaining the causes of mental disease, including epilepsy and feeble-mindedness, with a view to its prevention. It may also establish, foster and develop out-patient clinics.

1922, 519, § 3.

SECTION 14. **Department shall visit Institutions.** The department shall visit each institution at least once a year, and oftener if the governor so directs. It shall ascertain by actual examination and inquiry whether the laws relating to the persons in custody or control therein are properly observed, shall give such directions as will insure correctness in the returns required in respect to such persons, and may use all necessary means to collect all desired information. It shall carefully inspect every part of the institution visited with reference to its cleanliness and sanitary condition, the number of patients in seclusion or restraint, the dietary of the patients and any other matters which it considers material, and shall offer to every patient an opportunity for an interview with its visiting members or agents.

1898, 433, § 14. R.L. 87, § 9. 1909, 504, §§ 10, 107. 1914, 762, §§ 2, 9.
1916, 285, § 5. 4 Op. A. G. 79.

SECTION 15. **Annual Reports.** The commissioner shall make an annual report containing an accurate account of the receipts and expenditures for each separate state hospital, an inventory of the property thereof on June thirtieth, and a statement of the market value of any products of such state hospital, and of the labor, if any, performed by the inmates thereof. It may also contain information embodying the experience of this and other countries relative to the best and most successful methods of caring for such persons as come under the supervision of the department.

The commissioner shall also make an annual report relative to the condition and needs of each state hospital.

1832, 163, § 2. 1834, 150, § 2. R.S. 48, § 5. 1852, 269, § 1.
1853, 318, § 1. 1856, 247, § 3. 1857, 40, § 1. 1859, 177, § 2.
G.S. 73, § 6. 1879, 291, § 7. P.S. 79, § 3; 87, § 9. 1884, 322, § 5.
1887, 170. 1889, 414, § 18. 1892, 425, § 4. 1895, 483, § 6.
1898, 433, §§ 3–5. R.L. 87, §§ 3, 4, 29. 1906, 184; 508, § 3. 1909, 504, §§ 4,5,20, 107.
1914, 762, §§ 3, 8, 9. 1915, 241, § 2. 1918, 257, § 308. 1919, 5; 350 § 8.
1920, 2. 1941, 656, § §14, 17.

[CHAP. 505]

AN ACT RELATIVE TO THE CHARGE TO BE MADE FOR THE CARE OF INSANE PERSONS BOARDED OUT BY THE DEPARTMENT OF MENTAL HEALTH DURING THE PRESENT EMERGENCY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section sixteen of chapter one hundred and twenty-three of the General Laws, the cost to the commonwealth of the board of patients supported at the public expense and placed at board by the department of mental health under the provisions of said section sixteen shall not exceed eight dollars a week for each patient.

SECTION 2. This act shall cease to be operative on July first, nineteen hundred and forty-five.

Approved June 10, 1943.

SECTION 16. **Boarding Out of Insane Persons Regulated.** The superintendent of each state hospital may place at board in a suitable family or in a place in this commonwealth or elsewhere any patient in such hospital who is in the charge of the department and is quiet and not dangerous nor committed as a dipsomaniac or inebriate, nor addicted to the intemperate use of narcotics or stimulants. The cost to the commonwealth of the board of such patients supported at the public expense shall not exceed six dollars a week for each patient. The department shall have the same authority in the case of patients directly committed to it.

1885, 385, § 1. 1886, 101, § 4. 1898, 433, §§ 24, 28.
1903, 400. 1905, 458, § 1. 1909, 504, §§ 71, 107.
1921, 317, § 1. R.L. 87, § 102. 1914, 493.
1938, 486, § 9. 1939, 500, § 1. 1943, 505.
See 1938, 486, §§ 21, 22.

SECTION 16A. **Same subject. Homes with Provisions for Occupational Therapy.** The superintendent of each state hospital may place at board, under direction, in approved private homes, with provisions for occupational therapy, such patients under supervision as he believes will be benefited from a period of training therein. The number of patients so placed shall be approved by the department. The cost to the commonwealth of the board of such patients supported at the public expense shall not be limited by the amount specified in section sixteen.

1930, 338. 1938, 486, § 10. See 1938, 486, §§ 21, 22.

SECTION 17. **Persons Boarded Out. Bills for Board, how paid.** The bills for the support of persons who are placed at board in families by the department shall be payable monthly by the commonwealth and shall be audited by said department, which shall, at the end of each month, present to the comptroller a schedule of all such bills incurred, and shall keep a register in such form that the comptroller shall be able to verify the schedule.

1885, 385, § 2. R.L. 87, § 103. 1905, 458, § 2. 1909, 504, §§ 72, 107.
1923, 362, § 74.

SECTION 18. **Removal of Neglected Boarders. Temporary Release.** The department shall cause to be removed to an institution used wholly or in part for the care of the insane or to a better boarding place all persons who, upon visitation, are found to be abused, neglected or improperly cared for when placed at board in families. It may permit any boarder temporarily to leave custody as an insane person in charge of his guardian, relatives, friends or by himself, for a period not exceeding one year, and may receive him again into such custody when returned by such guardian, relatives, friends or upon his own application, within such period, without any further order of commitment, and may during such temporary absence assist in his maintenance to an amount not exceeding three dollars and twenty-five cents a week.

1885, 385, § 4. R.L. 87, § 105. 1905, 458, § 4. 1909, 504, §§ 74, 107.

SECTION 19. **Department to cause Persons Boarded in Families to be Visited.** [Repealed by Ch. 163, Acts 1935.]

SECTION 20. **Department, General Power to Transfer, Remove or Deport.** The department, subject to the following section, may transfer to and from any institution any inmate thereof who, in its opinion, is a proper subject for admission to the institution to which he is to be transferred; but no such inmate shall be transferred to be detained as an insane person unless he has been duly committed as insane by a judge or court. A record of such transfer shall be entered in the registers of the institutions to and from which he is transferred. The commitment papers,

together with an abstract of his hospital case record, shall be transmitted with him to the institution to which he is transferred. The department may also remove any inmate in any state hospital to any country, state or place where he belongs, and may enter into an agreement with the corresponding board or commission of any other state for the transfer of any insane person from one state to the other where, after a full investigation of all the facts, he may be deemed equitably to belong; but no such person shall be removed outside this commonwealth if he is subject to the orders of a court of this commonwealth, except that any such person who is subject to such orders may be so removed from Bridgewater state hospital at any time when he would have been entitled to parole if he had not become insane. In making such transfers and removals the department, so far as practicable, shall employ nurses or attendants instead of officers of the law, and shall employ female nurses or attendants to accompany female patients.

1859, 255. G.S. 71, § 7. 1863, 240, § 4. 1879, 291, § 3.
1880, 250, § 4. P.S. 79, §§ 9, 13. 1886, 298, § 10.
1887, 367. 1889, 414, § 16. 1891, 158, § 2. 1894, 196; 251, § 1.
1895, 390, §§ 5, 6; 483, §§ 9, 11. 1897, 418.
1898, 433, §§ 11, 16, 21, 28. 1899, 158. 1900, 451, § 8.
R.L. 85, §§ 42, 43; 86, § 46; 87 §§ 58, 66, 87–89, 92, 123. 1905, 400.
1906, 352; 508, § 8. 1907, 432. 1909, 504, §§ 69, 107. 1911, 334.
1917, 131. 1921, 317, § 2. 1922, 410, § 4. 1923, 245, § 1.
1 Op. A. G. 322; 490; 528.

Section 21. **Transfers to or from Private Institutions, and of Voluntary Patients.** The department shall not transfer any person to or from an institution the person having charge of which is licensed under section thirty-three or thirty-four A except upon the application of the superintendent or manager of such institution and of the legal or natural guardian of such person, nor transfer any voluntary inmate of any institution, except with his written consent.

1881, 183. P.S. 79, § 13. 1894, 196. 1898, 433, § 12.
R.L. 87, § 90. 1909, 504, §§ 70, 107. 1 Op. A. G. 67. 1924, 287, § 2.

Section 22. **Care, etc., of Insane at Tewksbury State Hospital and Infirmary by Department.** The department shall have the same authority with regard to the transfer of the insane to and from the wards of the Tewksbury state hospital and infirmary now or hereafter used for the care of the insane, which it has over the transfer of inmates of state hospitals, under section twenty; but the said wards shall remain under the jurisdiction of the trustees of said hospital and infirmary and the control of its superintendent.

1904, 278, § 1. 1911, 104. 1941, 706.
1909, 504, § 98. 1941, 351, § 40.

Section 22A. **Bridgewater State Hospital, Special Provisions as to.** The department shall, subject to all provisions of law now or hereafter in effect, have the same supervision over the commitment of insane persons to the Bridgewater state hospital as it has over the commitment of insane persons to other state hospitals under the provisions of this chapter; it shall have the same authority to discharge or transfer inmates of said Bridgewater state hospital who are not under sentence, or whose sentences have expired, as it has to discharge or transfer inmates of other state hospitals. In construing this section a maximum and minimum sentence shall be held to have expired at the end of the minimum term, and an indeterminate sentence, at the end of the maximum period fixed by law. But the said Bridgewater state hospital shall remain under the jurisdiction of the department of correction and the control of the superintendent of the state farm. Nothing herein contained shall be construed as conferring

on the department of mental health any authority to change or vary, except as herein provided, the decree or order of a court having competent jurisdiction.

1923, 467, § 1. 1941, 194, § 7.

SECTION 23. **Department to apply for Commitment, when.** If the department has reason to believe that an insane, epileptic or feeble-minded person who is a proper subject for treatment or custody in an institution, is confined in an infirmary or other place at the public charge or otherwise, it shall cause application to be made to a judge for the commitment of such person to an institution.

1864, 288, § 7. P.S. 87, § 25. 1890, 414, § 1. 1931, 394, § 212.
R.L. 87, § 51. 1909, 504, §§ 12, 107. 1898, 433, § 14.

SECTION 24. **Department to prescribe forms, keep records of Commitments, etc.** The department shall prescribe the forms of application, medical certificate and order of commitment required by law in the commitment and admission of all persons to the institutions under its supervision, which shall be the only forms used in such commitments and admissions. It shall keep records of all such commitments and admissions and shall secure compliance with the laws relative thereto, and shall investigate the propriety of any commitment or admission, notice whereof is received under any provision of sections three to one hundred and twelve, inclusive.

1895, 286, § 2. 1898, 433, §§ 8, 17, 19. R.L. 87, §§ 36–38. 1909, 504, §§ 11, 107.

LIST OF STATE HOSPITALS

SECTION 25. **List of State Hospitals.*** The state institutions under the control of the department shall be Worcester state hospital, Taunton state hospital, Northampton state hospital, Danvers state hospital, Grafton state hospital, Westborough state hospital, Foxborough state hospital, Medfield state hospital, Monson state hospital, Gardner state hospital, Wrentham state school, Boston state hospital, Walter E. Fernald state school, Boston psychopathic hospital, Belchertown state school, Metropolitan state hospital, and such others as may hereafter be added by authority of law.

1830, Res. 133. 1839, 131. 1851, 251; Res. 44. 1855, 454.
1861, Res. 26. 1862, 223, § 1. 1870, 238. 1873, 239.
1874, Res. 18. 1877, 227, 252, § 1. 1878, 216, § 2. P.S. 87, §§ 2, 56.
1884, 322, §§ 1, 3. 1886, 298, § 4. 1889, 414, § 1. 1892, 425, § 1.
1895, 483, §§ 1, 2. 1900, 451, § 5. R.L. 87, §§ 13, 16, 19–22, 114.
1905, 400. 1906, 313; 508. 1907, 421. 1908, 613, § 2.
1909, 504, §§ 14, 60, 107. 1910, 635. 1912, 530; 679. 1914, 358, 442, § 3; 456.
1915, 68; 79, § 3, 170. 1916, 283. 1917, 115. 1918, 139, § 2; Sp. 119.
1919, 74; 350, § 81. 1920, 537, § 1. 1922, 410, § 5. 1925, 293, § 3.
1930, 403, § 3. 1935, 314, § 3.

POWERS AND DUTIES OF TRUSTEES, ETC., OF STATE HOSPITALS

Section twenty-six of said chapter one hundred and twenty-three, as so appearing, is hereby repealed.

1938, 486, § 11.

SECTION 27. **Trustees, Certain Powers and Duties of.** The trustees of each state hospital shall be a corporation for the purpose of taking and holding, by them and their successors, in trust for the commonwealth, any grant or devise of land, and any gift or bequest of money or other personal property, made for the use of the state hospital of which they are trustees, and for the purpose of preserving and investing the proceeds thereof in notes or bonds secured by good and sufficient mortgages or other securi-

*The Norfolk State Hospital is to be included under Section 25 when such hospital is established. Chapter 421, Acts of 1935, as amended.

ties, with all the powers necessary to carry said purposes into effect. They may expend any unrestricted gift or bequest, or part thereof, in the erection or alteration of buildings on land belonging to the state hospital, subject to the approval of the department, but all such buildings shall belong to the state hospital and be managed as a part thereof.

1832, 163, § 9. 1834, 150, § 10. R.S. 48, § 4. 1842, 96.
G.S. 73, § 2. P.S. 87, § 5. 1884, 322, § 4. 1889, 414, § 3.
1892, 425, § 4. 1895, 483, § 3. 1900, 451, §§ 4, 5. R.L. 87, §§ 15, 23, 24.
1906, 508, § 4. 1909, 504, §§ 16, 107. 1920, 537, § 2.

SECTION 28. **Trustees to Appoint Superintendent and Treasurer.** The trustees of each state hospital, with the approval of the state treasurer, shall appoint and may remove from such state hospital a treasurer, who shall give bond for the faithful performance of his duties. Said trustees, with the approval of the department, shall appoint a superintendent, who shall be a physician who is a diplomate in psychiatry of the American Board of Psychiatry and Neurology, Incorporated, and shall have had at least four years administrative experience in a state or federal hospital for mental diseases or in any equivalent psychiatric organization, or at least three years' experience as aforesaid and at least one year's experience in the department controlling such hospital. The superintendent, with the approval of the trustees, shall appoint and may remove assistant physicians and necessary subordinate officers and other persons. A superintendent of a state hospital may be removed by the trustees thereof, with the approval of the department, for inefficiency, failure to perform duties properly or other good cause. A superintendent sought to be so removed shall be notified of the proposed action, shall be furnished with a copy of the reasons therefor and shall be given a hearing before the trustees, and be allowed to answer the charges preferred against him, either personally or by counsel. Within twenty days after the hearing hereinbefore provided for, said superintendent may bring a petition in the superior court within and for the county wherein he resides, praying that the action of said trustees may be reviewed by the court, and, after such notice to such trustees as the court deems necessary, it shall review such action, hear the witnesses, and shall affirm the decision of the trustees unless it shall appear that such decision was made without proper cause or in bad faith, in which case said decision shall be reversed and the petitioner be reinstated in his office without loss of compensation. The decision of the court shall be final and conclusive upon the parties.

1832, 163, § 1. R.S. 48, § 3. G.S. 73, § 4.
P.S. 87, § 7. 1884, 116; 322, §§ 5, 6. 1889, 414, § 5.
1892, 425, § 4. 1895, 483, § 4. 1900, 451, §§ 4, 6.
R.L. 87, §§ 15, 27. 1906, 508, § 2. 1909, 504, §§ 18, 107.
1914, 762, §§ 6, 9. 1915, 241, § 1. 1918, 239.
1920, 537, § 2. 1938, 486, § 12.
1834, 150, § 1. See 1938, 486, §§ 21, 22.

SECTION 29. **Trustees, Additional Powers and Duties.** (a) The trustees of each state hospital shall visit and familiarize themselves with their respective state hospitals, and may from time to time make suggestions to the department as to improvements therein, especially such as will make the administration thereof more effective, economical and humane.

(b) All trustees shall have free access to all books, records, and accounts pertaining to their respective state hospitals, and shall be admitted at all times to the buildings and premises thereof.

(c) They shall keep a record of their doings and shall record their visits to the state hospitals in a book kept there for that purpose. They shall transmit promptly to the department a copy of the proceedings of each meeting.

(d) They may personally hear and investigate the complaints and requests of any inmate, his attorney, guardian, conservator or next friend, or any officer or employee of the state hospital. If they deem any such matter of sufficient importance, after determining what, if anything, should be done relative thereto, they shall make written report of their determination to the department.

(e) They may at any time cause the superintendent or any officer or employee of their respective state hospital to appear before them and answer any questions or produce any books or documents relative to the state hospital.

1932, 163, §§ 1, 2.
1852, 269, § 2.
G.S. 73, §§ 3, 6, 7.
1887, 170.
1895, 483, § 6.
1918, 121.
1938, 486, § 13.
See 1938, 486, § §21, 22.
1834, 150, §§ 1, 2.
1853, 318, § 1.
P.S. 87, §§ 6, 9, 10.
1889, 414, §§ 5, 18, 19.
1900, 451, §§ 4, 6.
1906, 508, §§ 2, 3.
1914, 762, §§ 8, 9.
1919, 350, § 81.
R.S. 48, §§ 2, 5.
1856, 247, § 2.
1884, 322, § 5.
1892, 425, § 4.
R.L. 87, §§ 15, 26, 27, 29, 30.
1909, 504, §§ 17, 20, 107.
1915, 241, § 2.
1920, 537, § 2.

Section 30. **Instruction of Patients, etc.** The superintendent of each state hospital, subject to the rules and regulations of the department, shall cause to be given to the nurses, attendants and patients thereof instruction in such arts, crafts, manual training, kindergarten and other branches and lines of occupation as may be appropriate for the patients to undertake, especially such patients as are physically unfit to perform the usual work in or about the hospitals.

1917, 50.
1920, 537, § 2.
1911, 649.
1938, 486, § 14.
See 1938, §§ 21, 22.

Section 31. **Visits to Persons Boarded Out.** The commissioner shall cause all persons in his charge who are placed at board in families at public expense to be visited at least once in three months.

1905, 458, § 3.
1938, 486, § 15.
1909, 504, §§ 73, 107.
See 1938, §§ 21, 22.
1920, 537, § 2.

Section 32. **Supervision of Accounts.** All accounts for the maintenance of each of the state hospitals shall be approved by the superintendent thereof or in his absence by the assistant superintendent, if any, shall be filed with the comptroller and shall be paid by the commonwealth. Full copies of the pay rolls and bills shall be kept at each hospital.

1901, 303, § 1.
1909, 504, §§ 95, 107.
1923, 362, § 75.
R.L. 87, § 127.
1920, 537, § 2.
1933, 115.
1905, 175, § 1.
1922, 193.
1938, 486, § 16.
See 1938, §§ 21, 22.

Private Hospitals, Etc.

Section 33. **Private Institutions, Licenses to Maintain. Supervision by Department.** The department may annually license any suitable person to establish or have charge of an institution or private house for the care and treatment of the insane, epileptic, feebleminded, and persons addicted to the intemperate use of narcotics or stimulants, and may at any time revoke the license. No such license shall be granted for the care and treatment of insane or epileptic persons unless the said department is satisfied, after investigation, that the person applying therefor is a duly qualified physician, as provided in section fifty-three, and has had practical experience in the care and treatment of such patients. No such license shall be granted for the care and treatment of persons addicted to the intemperate use of narcotics or stimulants unless the department is satisfied, after investigation, that the person applying therefor is a physician who is a graduate of a legally chartered medical school or college, and that he has been in the actual practice of medicine for the three years next preceding his application for a license; nor unless his standing, character

and professional knowledge of inebriety are satisfactory to the department. Licenses granted hereunder shall expire with the last day of the year in which they are issued, but may be renewed. The department may fix reasonable fees for said licenses and renewals thereof. All places required by this and the following section to be in charge and under the direct personal supervision of a licensee of the department shall be subject to supervision and visitation by said department, in so far as they are not already subject thereto under any other provision of this chapter.

1864, 288, § 8. P.S. 87, § 53. R.L. 87, § 111. 1909, 504, §§ 24, 107.
1914, 762, §§ 7, 9. 1916, 285, §§ 6, 8. 1917, 232, § 1. 1926, 229, § 1.
1 Op. A. G. 283. 3 Op. A. G. 359, 563.

SECTION 34. **Illegal Maintenance of such Institutions Penalized.** Whoever keeps or maintains an institution or private house for the care or treatment of persons mentioned in the preceding section, unless the same is in charge of, and under the direct personal supervision of, a person duly licensed as provided therein, shall be punished by a fine of not more than five hundred dollars.

1864, 288, § 9. P.S. 87, § 54. R.L. 87, § 112. 1909, 504, §§ 25, 107.
1914, 762, §§ 7, 9. 1916, 285, §§ 7, 8. 1917, 232, § 2. 1926, 229, § 2.

SECTION 34A. **Federal Hospitals for Insane Veterans, licenses to maintain.** The department may also license annually physicians, qualified as provided in section fifty-three who have had practical experience in the care and treatment of persons suffering from mental diseases, to have charge of institutions established and maintained by the United States government for the care and treatment of persons who have been in the military or naval service of the United States and are suffering from mental disease, and may at any time revoke any such license. Licenses granted hereunder shall expire with the last day of the year in which they are issued, but may be renewed. The department may fix reasonable fees for said licenses and renewals thereof.

1924, 287, § 3.

RESTRAINT

SECTION 35. **Restraint Regulated.** No restraint in the form of muffs or mitts with lock buckles or waist straps, wristlets, anklets or camisoles, head straps, protection sheets or simple sheets when used for restraint, or other device interfering with free movement, shall be imposed upon any patient in any institution unless applied in the presence of the superintendent, or of the physician or of an assistant physician of the institution, or on his written order, which order shall be preserved in the files or records of the institution. Such devices shall be applied only in cases of extreme violence, active homicide or suicidal condition, physical exhaustion, infectious disease, or following an operation or accident which has caused serious bodily injury, except that in cases of emergency restraint may be imposed without the presence of the superintendent, physician or assistant physician, and without a written order; but every such emergency case, after the imposition of such restraint, shall immediately be reported to the superintendent or to the physician or assistant physician of the institution, who shall immediately investigate the case, and approve or disapprove the restraint imposed.

1911, 589, § 1.

SECTION 36. **Restraint, custody of implements.** The superintendent or head physician of each institution shall cause all implements or devices of restraint to be kept under lock and key when not in actual use.

1911, 589, § 3. 1939, 500, § 12.

Section 37. **Restraint, records of, etc. Definition.** The superintendent or head physician of each institution shall cause records of all restraint to be kept in a book provided for that purpose. The book shall be open for inspection at all times by the trustees or other persons having control of the institution, the department, the governor and council, and members of the general court, and shall contain a complete record relative to the restraint, including the cause for restraint, the form used, the name of the patient, the time when the patient was placed under restraint and the time when he was released. "Restraint" in sections thirty-five to thirty-eight, inclusive, shall also include therapeutic and chemical restraint and confinement in a strong room, or seclusion in solitary confinement, except when the patients are placed in their rooms for the night, but shall not include the prolonged bath, the hot or cold pack, or medication when it is used as a remedial measure and not as a form of restraint.

1911, 589, §§ 2, 4.

Section 38. **Penalty.** Any supervisor, attendant or other employee of any institution who knowingly violates or willingly permits to be violated any provision of the three preceding sections shall be punished by a fine of not less than fifty nor more than three hundred dollars.

1911, 589, § 5.

Miscellaneous Provisions Affecting Institutions

Section 39. **Patients' funds. Deposits, etc.** The superintendent of each state hospital may deposit in any bank or trust company within the commonwealth funds belonging to patients and funds deposited by their relatives or friends to be used for their benefit, in an account entitled "Patients' Funds." The commissioner may deposit in any such bank or trust company in an account, entitled "Patients' Funds", funds belonging to patients, funds deposited by their relatives or friends, and funds earned by patients who are committed to the department or are under its supervision, to be used for their benefit under regulations prescribed by the department.

1918, 176, § 1. 1936, 291, § 1.

Section 39A. **Same subject. Disposition of unclaimed funds regulated.** So much of any funds known as "Patients' Funds" as represents monies belonging to, or deposited for the benefit of, patients who have been discharged or have escaped from any state hospital or from the custody of the department, which shall have remained unclaimed for more than seven years, shall be paid by the superintendent of such state hospital or by the commissioner to the state treasurer to be held subject to be paid to the person establishing a lawful right thereto, with interest at the rate of three per cent per annum from the time when it was so paid to the state treasurer to the time when it is paid by him to such person; provided, that so much of any monies so paid to the state treasurer as may be necessary to reimburse the department for any sum due for the support of the person by whom or for whose benefit, such money was originally deposited, shall be credited to the department for that purpose. After six years from the date when any such monies were paid to the state treasurer the same or any balance thereof then remaining in his hands may be used as a part of the ordinary revenue of the commonwealth. Any person may, however, establish his claim after the expiration of the six years above mentioned and any claim so established shall be paid from the ordinary revenue of the commonwealth. Any person claiming a right to money deposited with the state treasurer under this section may establish the same by a petition to the probate court; provided, that in cases where claims amount to less

than fifty dollars, the claims may be presented to the comptroller who shall examine the same and allow and certify for payment such as may be proved to his satisfaction.

1930, 176. 1936, 291, § 2.

SECTION 39B. **Disposition of unclaimed belongings at certain state hospitals, known as "Patients' Valuables."** Property, known as "Patients' Valuables", belonging to, or deposited for the benefit of, former patients of any state hospital, or former patients under the supervision of the department, which shall have remained unclaimed for more than one year, shall be disposed of as hereinafter provided, but only if all known next of kin of the former patients shall have been notified in writing by said superintendent or by the department, as the case may be. Such disposition shall be made by a special board consisting, in the case of a former patient of a state hospital, of the superintendent of such hospital and a representative of the department designated by it, or, in the case of a former patient under the supervision of the department, of one or more representatives of the department designated by it. The board shall ascertain whether the property has any sale value and, if so, shall solicit from at least three reputable dealers in like property offers for the purchase thereof, and shall sell the same to the dealer offering the highest price. The proceeds of such sale shall be added to the funds deposited by the superintendent of the hospital or by the commissioner, as the case may be, known as "Patients' Funds" and shall be disposed of as provided in section thirty-nine A. The board may dispose of such of said property as, in its opinion, has no sale value, or any of said property for which no offer, solicited as aforesaid, has been received, in such manner as it may deem proper. A complete record of each transaction hereunder shall be made and signed by all members of the board and filed with the other records at the hospital or at the office of the department relating to the former patient whose property shall have been disposed of as aforesaid.

1932, 204. 1936, 291, § 3.

SECTION 39C. **Disposition of unclaimed bank books.** Any bank book representing a deposit account in a savings bank or trust company within the commonwealth, which belongs to a patient who has been discharged or has escaped from any state hospital or from the supervision of the department and which shall have remained unclaimed for more than two years in the custody of the superintendent of such hospital or in the custody of the commissioner of the department, may be presented by the department to such bank or trust company accompanied by the written request of the department for payment to it of the amount of such deposit account except so much as is in excess of the amount due the commonwealth for the support of such patient, and such bank or trust company shall thereupon pay to the department the amount so requested.

1933, 256. 1936, 291, § 4.

SECTION 40. **Fire apparatus and escapes.** Each institution shall be provided with proper means of escape from fire and suitable apparatus for the extinguishment of fire, and no building shall be erected or maintained at such institution without a written certificate of approval from the building inspector of the department of public safety for the district in which it is to be erected or maintained. Locked doors on buildings housing patients in institutions under the jurisdiction of the department shall not be construed as constituting an obstruction of egress within the meaning of any section of chapter one hundred and forty-three.

1890, 378, §§ 1, 2. R.L. 87, § 25. 1906, 508, § 6.
1909, 504, §§ 26, 107. 1939, 500, § 13.

SECTION 41. **Trustees, etc., to furnish information to department, etc.** The trustees, superintendent or manager of each institution shall furnish all the information required by the department, and shall immediately notify the department if there is any question as to the propriety of the commitment of any person received therein.

1898, 433, §§ 8, 17. R.L. 87, §§ 36, 38. 1905, 458, § 3. 1909, 504, §§ 27, 73, 107.

SECTION 42. **Certain employees exempt from civil service laws, etc.** Engineers, firemen and head farmers employed in state hospitals shall be exempt from chapter thirty-one.

1919, 350, § 80.

SECTION 43. **(Re Westborough State Hospital.** Superintendent and Assistant Physicians to be of Homeopathic School of Medicine). Repealed.

1939, 500, § 2.

SECTION 44. **Re Uses of Norfolk Hospital.** Repealed.

1931, 426, § 26.

SECTION 45. **Schools for feebleminded. Departments.** The Walter E. Fernald state school, the Belchertown state school and the Wrentham state school shall each maintain a school department for the instruction and education of feebleminded persons who are within the school age or who in the judgment of the superintendent are capable of being benefited by school instruction, and a custodial department for the care and custody of feebleminded persons beyond the school age or not capable of being benefited by school instruction.

1883, 239, § 1. 1886, 298, § 1. R.L. 87, § 115.
1906, 508, § 14. 1909, 504, §§ 61, 107. 1938, 486, § 17.
1922, 410, § 6. 1925, 293, § 4. See 1938, §§ 21, 22.

SECTION 46. **Same subject. Reception, classification and discharge of pupils.** Persons received by the Walter E. Fernald state school, by the Belchertown state school and by the Wrentham state school shall be classified in said departments, and the superintendent may receive and discharge pupils, and may at any time discharge any pupil or other inmate and cause him to be removed to his home.

1883, 239, § 2. 1886, 298, § 2. 1898, 433, § 28.
R.L. 87, § 116. 1906, 508, § 15. 1909, 504, §§ 62, 107.
1922, 410, § 7. 1925, 293, § 5. 1938, 486, § 18.
See 1938, §§ 21, 22.

SECTION 47. **Same subject. Voluntary admission of Certain Feebleminded Persons.** The superintendent of either of the state schools mentioned in the two preceding sections may, at his discretion, receive any feebleminded person from any part of the commonwealth upon application being made therefor by the parent or guardian of such person, which application shall be accompanied by the certificate of a physician, qualified as provided in section fifty-three that such person is deficient in mental ability, and that in the opinion of the physician he is a fit subject for said school. The physician who makes the said certificate shall have examined the alleged feebleminded person within five days of his signing and making oath to the certificate. The superintendent of either of said state schools may also, at his discretion, receive any person from any part of the commonwealth upon the written request of his parent or legal guardian, and may detain him for observation for a period not exceeding thirty days, to determine whether he is feebleminded.

1883, 239, § 6. 1886, 298, § 3. R.L. 87, § 117.
1906, 508, § 16. 1909, 504, §§ 64, 107. 1916, 122, § 2.
1917, 223, § 2. 197 Mass. 357. 1938, 486, § 19.
See 1938, §§ 21, 22.

SECTION 48. **Hospital cottages for children. Trustees, powers and duties. Report.** The governor, with the advice and consent of the council, shall annually appoint a trustee of the hospital cottages for children, for five years. The appointive trustees shall serve without compensation, and, with the trustees elected by said corporation, shall have the management of the business and property of the corporation and the general supervision of its cottages. The trustees shall annually prepare and send to the department a written report of all its proceedings, income and expenditures, properly classified, for the year ending on November thirtieth, stating the whole number and average number of beneficiaries, the number and salaries of officers and persons employed, and such other information as the department requires.

1887, 441, §§ 2, 3. 1890, 354, § 2. 1892, 407. 1898, 433, § 24.
R.L. 87, §§ 124, 125. 1909, 504, §§ 66, 107. 1 Op. A. G. 68.

SECTION 49. **Same subject. Certain children to be sent.** The department may send to and keep at the hospital cottages for children such number of children afflicted with epilepsy as shall be approved by the trustees and superintendent thereof, to be maintained at such expense to the commonwealth as shall be determined by said department and said trustees.

1887, 441, § 4. 1889, 230, § 2. 1898, 433, § 24.
R.L. 87, § 126. 1909, 504, §§ 67, 107. 1918, 121.

COMMITMENTS, ETC.

SECTION 50. **Commitment of insane persons. Authority.** A justice of the superior court, in any county, and any of the judges of probate for Suffolk county, the judge of probate for Nantucket county, or a justice or special justice of a district court, except the municipal court of the city of Boston, within his county, may commit to any institution for the insane, designated under or described in section ten, any insane person, then residing or being in said county, who in his opinion is a proper subject for its treatment or custody; but such special justice may make such commitment only in case of the incapacity of the justice, his absence from the district, interest, or relationship to the applicant or to the person to be committed, or when specially authorized by the justice to act in the case, or when the justice is absent from the court building and the special justice is holding court in his place.

1797, 62, § 3. 1833, 95. 1834, 150, § 3. R.S. 48, § 6.
1839, 149, § 3. 1852, 44. 1853, 318, §§ 1, 2. 1856, 108, § 1.
G.S. 73, §§ 8, 19. 1862, 223, § 3. 1864, 288, § 6. 1867, 355, § 1.
1873, 275. 1874, 258, §§ 2; 293, § 16; 392, § 16. 1879, 195, § 1.
P.S. 87, § 11. 1884, 322, § 9. R.L. 87, § 33. 1904, 459, § 1.
1905, 447. 1909, 504, §§ 29, 107. 1914, 473. 1918, 257, § 309.
1918, 257, § 309. 1919, 5; 49, § 1. 1920, 2. 1935, 314, § 4.
Op. A. G. (1920) 238.

SECTION 51. **Order of Commitment.** No person shall be committed to any institution for the insane designated under or described in section ten, except the Walter E. Fernald state school, the Belchertown state school and the Wrentham state school, unless there has been filed with the judge a certificate in accordance with section fifty-three of the insanity of such person by two properly qualified physicians, nor without an order therefor, signed by a judge named in the preceding section stating that he finds that the person committed is insane and is a proper subject for treatment in a hospital for the insane, and either that he has been an inhabitant of the commonwealth for the six months immediately preceding such finding or that provision satisfactory to the department has been made for his maintenance or that by reason of insanity he would be dangerous if at large. The order of commitment shall also authorize the custody of the insane

person either at the institution to which he shall first be committed or at some other institution to which he may be transferred. Said judge shall see and examine the alleged insane person, or state in his final order the reason why it was not considered necessary or advisable so to do. The hearing, unless a jury is summoned, shall be at such place as the judge shall appoint. In all cases he shall certify in what place the insane person resided or was at the time of his commitment; or, if the commitment is ordered by a court under section one hundred or one hundred and one the court shall certify in what place the insane person resided or was at the time of the arrest upon the charge for which he was held to answer before such court. Such certificate shall, for the purposes of the preceding section, be conclusive evidence of the residence of the person committed.

1834, 150, § 3. R.S. 48, §§ 6, 7. 1855, 464. G.S. 73, §§ 8, 9.
1862, 223, §§ 3, 4. 1879, 195, § 2. 1880, 250, § 6. P.S. 87, §§ 12, 14.
1886, 319, § 1. 1892, 53. 1894, 195. 1895, 429.
1898, 433, §§ 28, 438, § 2. 1900, 350. R.L. 87, § 34. 1908, 613.
1909, 504, §§ 30, 107. 1922, 410, § 8. 1925, 293, § 6. 11 Gray 107.
111 Mass. 308. 169 Mass. 387.

Section 52. **Additional medical testimony. Fee.** If in the opinion of the judge additional medical testimony as to the mental condition of the alleged insane person is desirable, he may appoint a third physician to examine and report thereon, who shall be a physician who has had practical training in psychiatry, if one is available. The fee for making such examination and report shall be four dollars, and twenty cents for each mile traveled one way.

1909, 504, § 31. 1932, 85.

Section 53. **Qualifications of physicians certifying to insanity.** No physician shall make a certificate of insanity under section fifty-one unless he makes oath that he is a graduate of a legally chartered medical school or college, that he has been in the actual practice of medicine for three years since his graduation and for three years last preceding the making of said oath, and that he is registered as a physician in accordance with chapter one hundred and twelve, nor unless his standing, character and professional knowledge of insanity are satisfactory to the judge. Where, in the opinion of the judge, it is practicable within his jurisdiction, at least one of the two physicians required to make a certificate of insanity under section fifty-one shall be a diplomate in psychiatry of the American Board of Psychiatry and Neurology, Incorporated. The physician who makes such certificate shall have examined the alleged insane person within five days of his signing and making oath to the certificate, and shall state therein that in his opinion such person is insane and a proper subject for treatment in a hospital for the insane, and the facts upon which his opinion is based. A copy of the certificate, attested by the judge, shall be delivered with the insane person to the superintendent of the institution to which the person shall have been committed, to be kept on file with the order of commitment, and said superintendent shall forthwith transmit to the department copies of such certificate, of the statement required by section fifty-four and of the order of commitment. Any certificate bearing date more than ten days prior to the commitment of any person alleged to be insane shall be void, and no certificate shall be valid or received in evidence if signed by a physician holding any office or appointment, other than that of consulting or advisory physician, in an institution for the insane to which such person is committed.

1862, 223, § 8. 1865, 268, § 1. 1879, 195, § 3. P.S. 87, § 13.
1892, 229. 1895, 286, §§ 1, 2. R.L. 87, § 35. 1906, 418.
1909, 504, §§ 32, 107. 1916, 67. 1920, 537. 177 Mass. 11.
1 Op. A. G. 322, 490. 3 Op. A. G. 289. 1941, 645, § 1.

SECTION 54. **Statement with application for commitment, etc. Notice to relatives, etc.** Upon each application for the commitment or admission of a person as a patient to an institution, a statement in a form prescribed by the department shall be filed with the application, or within ten days after the commitment or admission, giving as nearly as can be ascertained the facts therein required. A copy of the statement shall be transmitted to the superintendent of the institution and filed with the order of commitment or the application for admission. In the case of insane persons, the superintendent of the institution shall within two days after the reception of the patient send notice of his commitment or admission by mail, postage prepaid, to all persons whose addresses appear on the said statement, and to any other two persons whom the patient may designate.

1858, 64. G.S. 73, §§ 10, 21. 1862, 223, § 5. 1865, 268, § 2.
P.S. 87, § 15. R.L. 87, § 39. 1905, 436. 1909, 504, §§ 33, 107.

SECTION 55. **Apprehension of alleged insane person.** After hearing such evidence as he may consider sufficient, the judge may, either before or after the certificate required by section fifty-one has been filed, issue a warrant for the apprehension and bringing before him of the alleged insane person, if in his judgment the condition or conduct of such person makes such action necessary or proper. Pending examination and hearing, such order may be made relative to the care, custody or confinement of the alleged insane person as the judge shall see fit.

1880, 250, § 1. P.S. 87, § 16. R.L. 87, § 41. 1909, 504, §§ 34, 107.

SECTION 56. **(Commitment or transfer to Westborough Hospital for Homeopathic Treatment).** Repealed.

1939, 500, § 4.

SECTION 57. **Jury trial on question of sanity.** The judge may, in his discretion, issue a warrant to the sheriff or his deputy, directing him to summon a jury of six men to hear and determine whether the alleged insane person is insane.

1837, 228, § 1. G.S. 73, § 11. 1862, 223, § 6. P.S. 87, § 17.
R.L. 87, § 42. 1909, 504, §§ 36, 107. 237 Mass. 591.

SECTION 58. **Selection and impanelling of jury.** The jurors shall be selected in equal numbers from the town where the trial is had and one or two adjoining towns, as the judge shall order, and in Suffolk and Nantucket counties they may all be taken from one town. The officer receiving the warrant shall in writing require the board authorized to draw jurors in such towns to return not less than two nor more than six jurors from each town; and the jurors shall be drawn, summoned, returned and impanelled as provided in chapter two hundred and thirty-four for civil cases, except that they need not be summoned more than twenty-four hours before the time appointed for their attendance. In the superior court the jurors may be selected from such traverse jurors in attendance at any session of said court in the same county as may be available.

1837, 228, § 2. G.S. 73, § 12. 1862, 223, § 6. P.S. 87, § 18.
R.L. 87, § 43. 1909, 504, §§ 37, 107. 1919, 333, § 6. 1920, 2.

SECTION 59. **Judge to preside at trial. Verdict.** The judge shall preside at such trial and administer to the jury an oath faithfully and impartially to try the issue, and the verdict of the jury shall be final.

1837, 228, § 3. P.S. 87, § 19. 1909, 504, §§ 38, 107.
G.S. 73, § 13. R.L. 87, § 44.

SECTION 60. **Deficiency in jury, how supplied, etc.** If by reason of challenges or otherwise there is not a full jury of the persons summoned, the judge shall cause the officer who served the summons, or in his absence

the officer attending the jury, to return persons to supply the deficiency; and shall have the same authority as the superior court to enforce the attendance of jurors and witnesses and to impose fines for non-attendance.

1837, 228, § 4. G.S. 73, § 14. 1909, 504, §§ 39, 107.
P.S. 87, § 20. R.L. 87, § 45.

SECTION 61. **Fees of officers, jurors, and witnesses.** The officer who summons and attends the jury shall receive therefor four cents a mile for all necessary travel, and one dollar and fifty cents for each day that he attends upon them; and the jurors and witnesses shall be entitled to such compensation as is prescribed for traverse jurors impanelled to try cases other than murder in the first degree and witnesses in civil actions before the courts, respectively.

1837, 228, § 2. 1848, 271. 1855, 120.
G.S. 73, § 15. 1862, 223, § 6. P.S. 87, § 21.
R.L. 87, § 46. 1909, 504, §§ 40, 107. 1931, 426, § 232.

SECTION 62. **Commitment of dipsomaniacs, etc., regulated. Limit of detention.** Any of the judges named in section fifty, or a judge of the municipal court of the city of Boston, may commit to the state farm, or to any other institution under the department of correction that may be designated by the governor, to the McLean hospital, or to a private licensed institution, by an order of commitment, directed to the trustees, superintendent, or manager thereof, as the case may be, made in accordance with section fifty-one, and accompanied by a certificate, in accordance with section fifty-three, by two physicians qualified as therein provided, any male or female person, who is subject to dipsomania or inebriety either in public or private, or who is so addicted to the intemperate use of narcotics, habit forming stimulants or sedatives as to have lost the power of self-control. The judge receiving the application for such commitment shall examine on oath the applicant and all other witnesses, and shall reduce the application to writing and cause it to be subscribed and sworn to by the applicant. He shall cause a summons and copy of the application to be served upon such person in the manner provided by section twenty-five of chapter two hundred and seventy-six. Such person shall be entitled to a hearing unless after receiving said summons he shall in writing waive a hearing, in which case the judge may issue an order for his immediate commitment as aforesaid, without a hearing, if he is of opinion that the person is a proper subject for custody and treatment in the institution to which he is committed. The commitment may be made forthwith, if the examining physicians certify the case to be one of emergency. A person committed as aforesaid may be detained for two years after the date of his commitment, and no longer.

1885, 339, § 1. 1889, 414, §§ 6–8. 1891, 158, § 1. 1899, 266, § 1; 325, § 1.
1900, 350. 1901, 282. R.L. 87, §§ 59, 60. 1905, 400.
1909, 504, §§ 50, 107. 1914, 558. 1915, 73. 1917, 69.
1918, 139, § 1. 1922, 535, § 4. 169 Mass. 387. 1941, 655, § 1.

SECTION 63. **Appeal from order of commitment as dipsomanic, etc.** A person may appeal from the order of commitment as a dipsomaniac or inebriate, or as addicted to the intemperate use of narcotics or stimulants, to the superior court sitting for criminal business in the county from which he is committed, in the manner provided by section twenty-two of chapter two hundred and twelve, but he shall be held in such institution to abide the final order of the court until he recognizes in the manner provided in section eighteen of chapter two hundred and seventy-eight. Upon such appeal the judge who ordered the commitment may bind the witnesses by recognizance as provided in chapter two hundred and seventy-six, and shall make a copy of the order of commitment and other proceedings in

the case and transmit the same with the recognizance, if any, to the clerk of the superior court. If the appellant so requests, an issue or issues shall be framed and submitted to a jury in the superior court.

1889, 414, §§ 10–12. 1899, 266, § 2. 1901, 282. R.L. 87, § 62.
1909, 504, §§ 51, 107.

SECTION 64. **Default for non-prosecution of appeal.** If the appellant fails to enter and prosecute his appeal he shall be defaulted on his recognizance, and the superior court may enter an order in like manner as if he had been ordered to be committed by that court; and process may issue, if necessary, to bring him into court to be recommitted.

1889, 414, § 13. R.L. 87, § 63. 1909, 504, §§ 52, 107.

SECTION 65. **Withdrawal of Appeal. Procedure.** At any time before the copy of the proceedings has been transmitted to the superior court, the appellant may be brought or may appear personally before the judge from whose order the appeal was taken, who may in his discretion, at the appellant's request, permit him to withdraw his appeal and abide by the order of said judge. Thereupon the judge shall order that the appellant comply with the order appealed from in the same manner as if it were then imposed.

1889, 414, § 14. R.L. 87, § 64. 1909, 504, §§ 53, 107.

SECTION 66. **Commitment to Fernald, Belchertown, or Wrentham state schools.** Any judge of probate, within his county, upon written application, if he finds that a person residing or being within said county is a proper subject for the Walter E. Fernald state school, the Belchertown state school or the Wrentham state school, may commit him thereto by an order of commitment, directed to the trustees thereof made in accordance with section fifty-one, and accompanied by a certificate in accordance with section fifty-three by a physician, qualified as therein provided, that such person is a proper subject for said school, and all provisions of said section shall apply to such certificate, except that the physician's examination of the alleged feebleminded person shall have occurred within ten days of the signing and making oath to the certificate, which shall bear date not more than twenty days prior to the commitment of such person. The order of commitment shall also direct the sheriff, deputy sheriff, constable, police officer, or other person to apprehend and convey the said person to the school to which he has been committed. Such order shall be void if such person shall not be received at the school named therein within sixty days after the date of such order. Unless the person sought to be committed is present at the time of the hearing, or the application is made by some one legally entitled to his custody, notice of the application and of the time and place of hearing shall be given to the person sought to be committed, and the order of commitment shall state what notice was given or the finding of facts which made notice unnecessary, and shall authorize custody of the person until he shall be discharged by order of a court or otherwise in accordance with law.

If a feebleminded person is committed to such a school, the department shall thereafter have power, whenever advisable, to transfer him to the custody or supervision of the department; and thereafter the provisions of section sixty-six A, relative to removal, temporary release and discharge of feebleminded persons, shall apply to such person.

1883, 239, § 5. 1886, 298, § 5. R.L. 87, § 118.
1906, 508, § 12. 1909, 504, §§ 63, 107. 1916, 122, § 1.
1917, 223, § 1. 1922, 410, § 9. 1925, 293, § 7.
1939, 500, § 6. 1931, 288, § 1. 202 Mass. 536.

SECTION 66A. **Commitment of feebleminded persons to department. Powers of department.** If an alleged feebleminded person is found, upon examination by a physician qualified as provided by section fifty-three, to be a proper subject for commitment, the judge of probate for the county in which such person resides or is found may upon application commit him to the custody or supervision of the department; but no person shall be so committed unless the approval of the department shall be filed with the application for his commitment. If he is committed to the custody or supervision of the department, the department shall thereafter have power, whenever advisable, to transfer him to a state school for the feebleminded, or may cause an application to be made for his removal to a department for defective delinquents, and such person may be so removed in the manner provided by section one hundred and sixteen. If the alleged feebleminded person is committed to the custody or supervision of the department of mental health, the said department may temporarily release him in the manner provided by, and subject to, the provisions of section eighty-eight, or may discharge him under section eighty-nine.

1921, 441, § 1. 1924, 88, § 1. 1941, 194, § 8

SECTION 67. **Judicial inquiry as to commitment or discharge of inmates of schools for the feebleminded.** If an inmate of the Walter E. Fernald state school, the Belchertown state school, or the Wrentham state school has reached the limit of school age, or if in the judgment of the trustees he is incapable of being further benefited by school instruction, or if the question of the commitment to or continuance in either of the said schools of any inmate, including inmates who may have been transferred from one department to another of such school, under section forty-six, is in the opinion of the trustees and of the department a proper subject for judicial inquiry, the probate court for Middlesex county, for Hampshire county or for Norfolk county, respectively, upon the written petition of said trustees, or of said department, or of any member of either body, and after such notice as the court may order, may, in its discretion, order such inmate to be brought before the court, and shall determine whether or not he is a feebleminded person, and may commit him to such school or either department thereof, or may order him to be discharged therefrom.

1906, 309, § 1. 1907, 489, § 1. 1909, 504, §§ 65, 107.
1922, 410, § 10. 1925, 293, § 8.

SECTION 68. **General provisions relative to commitment applicable, when.** The provisions relative to the commitment of insane persons to an institution for the insane shall, unless it is otherwise expressly provided in this chapter, apply to and govern commitments under sections sixty-two to sixty-five, inclusive, or any of them except that when an allegation of mental condition is required it shall be specifically alleged that a person who is committed under said sections is a dipsomaniac or inebriate or is so addicted to the intemperate use of narcotics or stimulants as to have lost the power of self-control.

1885, 339, § 2. 1889, 414, § 7. 1899, 266, § 1.
R.L. 87, § 65. 1909, 504, §§ 56, 107. 177 Mass. 11.

SECTION 69. **Commitment of insane epileptics regulated.** A person who is subject to epilepsy, if he is not a criminal, an inebriate or violently insane, may, if insane, be committed to the Monson state hospital, in accordance with the provisions of this chapter relative to the commitment of other insane persons, or, if dangerous to himself or others by reason of epilepsy, may be committed thereto in the manner provided for the commitment of dipsomaniacs and inebriates.

1895, 483, §§ 8, 9. 1899, 211, § 1. R.L. 87, § 66. 1906, 352.
1907, 432. 1909, 504, §§ 57, 107. 1911, 71, § 1.

SECTION 70. **Commitment order void, when.** Except as provided in section sixty-six, an order of commitment of a person to an institution shall be void if such person shall not be received at the institution within thirty days after the date of such order.

1911, 273. 1916, 122, § 1. 1931, 288, § 2.

SECTION 71. **Service of warrants, etc.** Warrants and all other processes issued by a judge for the apprehension or commitment of insane persons, or of dipsomaniacs, inebriates, or persons addicted to the intemperate use of narcotics or stimulants, or of feebleminded persons, or of those subject to epilepsy, may be directed to and served by a court officer, by any sheriff, deputy sheriff, constable or police officer, or by any private person whom the judge may designate; and such warrants and processes may run into any county where any person to be apprehended or committed may be found, and any of the officers or persons to whom such warrants and processes are directed may serve the same in any part of the commonwealth.

1880, 250, § 1. P.S. 87, § 16. R.L. 87, § 41.
1909, 504, §§ 34, 107. 1915, 136.

SECTION 72. **Commitment of women, attendants.** Upon committing a woman to any institution the judge shall designate her father, husband, brother or son, or some woman to be the attendant or one of the attendants to accompany her to the institution.

1899, 198. R.L. 87, § 57. 1909, 504, §§ 47, 107.

SECTION 73. **Compensation of judges, physicians, etc.** Except as is otherwise provided, the compensation of the judges, physicians and officers taking part in the commitment or admission of persons to institutions in accordance with sections three to one hundred and twelve, inclusive, shall be as follows: The judge, if required to go from his office or place of business to see and examine the person committed or admitted, shall be allowed all necessary expenses of travel. If a special justice hears and determines the application he shall receive compensation at the rate provided in section six of chapter two hundred and eighteen; provided, that he shall not receive more than four dollars and the necessary expense of travel for each commitment. The fee for each physician making a certificate shall be four dollars, and twenty cents for each mile traveled one way. The fees for officers serving process shall be the same as are allowed by law in like cases.

1836, 223, § 4. 1838, 31. 1850, 235.
1856, 108, § 6. G.S. 73, §§ 17, 20; 74, § 11. 1862, 223, § 7.
1873, 275. 1879, 222. 1880, 250, § 3.
P.S. 87, § 23. 1886, 298, § 5. 1894, 493.
1899, 211, § 5. R.L. 87, §§ 48, 73, 118. 1904, 459, §§ 3, 5.
1906, 508, § 12. 1909, 504, §§ 48, 107.

SECTION 74. **Commitment, etc., expenses of, how paid.** All necessary expenses attending the apprehension, examination, trial, commitment or delivery of an alleged insane, epileptic or feebleminded person, dipsomaniac, inebriate or one addicted to the intemperate use of narcotics or stimulants, committed to a state hospital, shall be allowed and certified by the judge and presented as often as once a year to the county commissioners of the county in which such person was committed, who shall examine and audit the same. Necessary expenses attending the apprehension, examination or trial of any person sought to be committed to a state hospital but not so committed, shall be so presented, examined and audited if they have been allowed in the discretion of the judge and certified by him. All necessary expenses of examination and delivery of persons mentioned in section eighty-seven, and of examination of an alleged insane, epileptic or feebleminded person, dipsomaniac, inebriate or one

addicted to the intemperate use of narcotics or stimulants in any other case where there is no application for commitment, when allowed in the discretion of a judge authorized to make commitment of such persons if their condition is found to be as alleged and certified by him, shall be presented as often as once a year to the county commissioners of the county, where the judge certifying the expenses was authorized by law to make commitments, who shall examine and audit the same. All expenses certified, examined and audited as provided in this section shall be paid by the proper county. Such expenses shall be repaid to the county paying them by the county, if any, of which the person committed, the person for whose commitment application was made and refused, the person mentioned in section eighty-seven or the person examined for whose commitment no application was made, as the case may be, is an inhabitant; but if the person committed or for whose commitment application was made but refused, or examined as aforesaid, is an inmate of an institution of any department of the commonwealth at the time of his commitment or of the denial of the application for commitment or of his examination as aforesaid, such expenses shall be repaid to the county paying them by the county of which such inmate was an inhabitant at the time of his admission or commitment to such institution, or, if he was not an inhabitant of any county, by the county from which he was sent to such institution. The necessary expenses of returning to a state hospital a person temporarily absent therefrom, under section eighty-eight, shall be paid by such person or his guardian, relative or friend if of sufficient ability, or may be paid by the county where he is found, if the condition of the person returned is such that a new commitment would be necessary if he were not returned; such expenses shall be certified and audited as in the case of a commitment, and shall be repaid as hereinbefore provided by the county of the person's residence. If application is made for the commitment of a person whose expenses and support are not to be paid by the commonwealth, the said expenses shall be paid by the applicant or by a person in his behalf.

1837, 228, § 5. 1838, 31. 1859, 235. G.S. 73, §§ 16, 18.
1880, 250, § 3. 1881, 186, § 1. P.S. 87, § 24. 1899, 211, § 5.
R.L. 87, §§ 49, 73. 1905, 475. 1906, 471. 1909, 504, §§ 49, 107.
1910, 420. 1926, 104. 194 Mass. 486.

SECTION 75. **Commitment, judge to keep docket, etc.** Each judge shall keep a docket or record of the causes relative to insane persons coming before him, numbered or otherwise properly designated, and the disposition thereof. He shall also receive and keep on file the original application, statement of applicant and certificate of physicians, and the copy of the order of commitment, attested by, and with the return thereon of, the officer or other person serving the same. Said docket or record and other documents required to be kept as above shall be transmitted, on the death, resignation or removal of the judge to his successor in office.

1880, 250, § 2. P.S. 87, § 22. R.L. 87, § 47.
1904, 459, § 2. 1909, 504, §§ 41, 107.

SECTION 76. **Psychopathic hospital service.** The department may develop, extend and complete a state wide system of psychopathic hospital service by establishing and maintaining new hospital and out-patient units in suitable districts in connection with existing or future state hospitals. The administration of the separate new district units and the appropriations granted therefor shall be in accordance with the laws governing the state hospitals to which the land, buildings and furnishing of said units shall appertain. The direction of the scientific work in such units shall be vested in the department by means of its duly appointed agents.

1917, 115. 1920, 537, § 1.

SECTION 77. **Observation, commitment for. Proceedings thereafter.** If a person is found by two physicians qualified as provided in section fifty-three to be in such mental condition that his commitment to an institution for the insane is necessary for his proper care or observation, he may be committed by any judge mentioned in section fifty, to a state hospital, to the McLean hospital, or, in case such person is eligible for admission, to an institution established and maintained by the United States government, the person having charge of which is licensed under section thirty-four A, for a period of forty days pending the determination of his insanity. Within thirty days after such commitment the superintendent of the institution to which the person has been committed shall discharge him if he is not insane, and shall notify the judge who committed him, or, if he is insane he shall report the patient's mental condition to the judge, with the recommendation that he shall be committed as an insane person, or discharged to the care of his guardian, relatives or friends if he is harmless and can properly be cared for by them. Within the said forty days the committing judge may authorize a discharge as aforesaid, or he may commit the patient to any institution for the insane as an insane person if, in his opinion, such commitment is necessary. If, in the opinion of the judge, additional medical testimony as to the mental condition of the alleged insane person is desirable, he may appoint a physician to examine and report thereon.

In case of the death, resignation or removal of the judge committing a person for observation, his successor in office, or, in case of the absence or disability of the judge committing a person as aforesaid, any judge or special justice of the same court, shall receive the notice or report provided for by this section and carry out any subsequent proceedings hereunder.

1909, 504, § 43. 1919, 49, § 1; 145. 1924, 19.
1929, 136. 1935, 314, § 5. 1939, 500, § 5.

SECTION 78. **Temporary care of persons violently insane, etc., without order of court.** The superintendent or manager of any institution for the insane, may without the order of a judge required by sections fifty and fifty-one, receive into his custody and detain in such institution for not more than five days any person whose case is certified to be one of violent and dangerous insanity or of other emergency by two physicians qualified as provided in section fifty-three by a certificate conforming in all respects to said section, which certificate may be filed with a judge, as the certificate required by section fifty-one. The officers mentioned in section ninety-five or any member of the state police shall, upon the request of the applicant or of one of the said physicians, cause the arrest and delivery of such person to such superintendent or manager. The person applying for such admission shall within five days cause the alleged insane person to be committed to or removed from the institution, and failing so to do shall be liable to the commonwealth, in the case of a state hospital, or to the person maintaining the institution, in the case of a private institution, for the expenses incurred and to a penalty of fifty dollars, which may be recovered in contract by the state treasurer, or the person maintaining the private institution, as the case may be.

1881, 272, §§ 1, 2. P.S. 87, §§ 26, 27. 1898, 438, § 1.
R.L. 87, § 52. 1909, 504, §§ 42, 107. 1919, 49, § 2.
1935, 314, § 6.

SECTION 79. **Temporary care of insane persons needing immediate care, etc.** The superintendent or manager of any institution for the insane may, when requested by a physician, sheriff, deputy sheriff, member of the state police, police officer of a town, or by an agent of the institutions

department of Boston, receive and care for in such institution as a patient, for a period not exceeding ten days, any person deemed by such superintendent or manager to be in need of immediate care and treatment because of mental derangement other than drunkenness. The physician shall be a graduate of a legally chartered medical school, shall be registered in accordance with chapter one hundred and twelve, or shall be a commissioned medical officer of the United States army, navy or public health service acting in the performance of his official duties, and personally shall have examined the patient within twenty-four hours of signing the request. Such request for admission of a patient shall be put in writing and be filed at the institution at the time of his reception, together with a statement in a form prescribed or approved by the department, giving such information as it deems appropriate. Any such patient deemed by the superintendent or manager not suitable for such care shall, upon the request of the superintendent or manager, be removed forthwith from the institution by the person requesting his reception, and, if he is not so removed, such person shall be liable to the commonwealth or to the person maintaining the private institution, as the case may be, for all reasonable expenses incurred under this section on account of the patient, which may be recovered in contract by the state treasurer or by such person, as the case may be. The superintendent or manager shall either cause every such patient to be examined by two physicians, qualified as provided in section fifty-three, and cause application to be made for his admission or commitment to such institution, or cause him to be removed therefrom before the expiration of said period of ten days, unless he signs a request to remain therein under section eighty-six. The officers mentioned in section ninety-five or any member of the state police may transport the patient, or cause him to be transported, to the institution. Reasonable expenses incurred for the examination of the patient and his transportation to the institution shall be allowed, certified and paid as provided by section seventy-four. In instances where an individual, deemed by the department to be entitled to care in this commonwealth, is being held in a mental hospital or other place of detention for mental patients in another state awaiting transfer to a state hospital in this commonwealth, and such transfer has been approved by the department, the commissioner or any other medical officer of the department may sign such a request, without personal examination of the patient, to authorize his immediate hospitalization upon arrival in this commonwealth.

1911, 395. 1915, 174. 1919, 49, § 2.
1929, 222. 4 Op. A. G. 467. 1935, 314, § 7.
1939, 500, § 7. 1941, 216, § 1. 1941, 645, § 2.

SECTION 80. **Temporary care of persons addicted to intemperate use of narcotics, etc.** The superintendent or manager of any institution to which commitments may be made under section sixty-two may, when requested by a physician, by a member of the board of health or a police officer of a town, by an agent of the institutions department of Boston, by a member of the state police, or by the wife, husband, guardian or, in the case of an unmarried person having no guardian, by the next of kin, receive and care for in such institution, as a patient for a period not exceeding fifteen days, any person deemed by such superintendent or manager to be in need of immediate care and treatment because he has become so addicted to the intemperate use of narcotics or stimulants that he has lost the power of self-control. Such request for the admission of a patient shall be made in writing and filed at the institution at the time of his reception, or within twenty-four hours thereafter, together with a statement, in a form prescribed by the department having supervision of the

institution, giving such information as it deems appropriate. The trustees, superintendent or manager of such institutions shall cause to be kept a record, in such form as the department having supervision of the institution requires of each case treated therein, which shall at all times be open to the inspection of such department and its agents. Such record shall not be a public record, nor shall the same be received as evidence in any legal proceeding. The superintendent or manager of such an institution shall not detain any person received as above for more than fifteen days, unless, before the expiration of that period, such person has been committed under section sixty-two, or has signed a request to remain at said institution under section eighty-six.

1917, 232, § 3. 1922, 535, § 5. 1931, 426, § 233.
1939, 500, § 8.

SECTION 81. **Notice to department of receipt of insane persons at institution.** Whenever a patient is received into any institution the superintendent or manager thereof shall give immediate notice of such reception to the department, stating all the particulars of the case, except where such information is contained in copies required to be sent to the department by section fifty-three.

1881, 272, § 4. P.S. 87, § 29. 1886, 101, § 4. R.L. 87, § 54.
1904, 432, § 2. 1909, 504, §§ 46, 107. 1918, 257, §§ 310, 311. 1919, 5. 1920, 2.

SECTION 82. **Places of temporary detention regulated. Temporary care by board of health, when, expenses, how paid, etc.** No person suffering from insanity, mental derangement, deliriums, or mental confusion, except drunkenness, shall, except in case of emergency, be placed or detained in a lockup, police station, city prison, house of detention, jail or other penal institution or place for the detention of criminals. If, in case of emergency, any such person is so placed or detained, he shall forthwith be examined by a physician and shall be furnished suitable medical care and nursing and shall not be so detained for more than twelve hours. Any such person not so placed or detained who is arrested by or comes under the care or protection of the police, and any other such person who is in need of immediate care and treatment which cannot be provided without public expense, shall be cared for by the board of health of the town where such person may be. Such board of health shall cause such person to be examined by a physician as soon as possible, shall furnish him with suitable medical care and nursing, and shall cause him to be duly admitted or committed to an institution, unless prior to such admission or commitment he shall recover or be suitably provided for by his relatives or friends. Reasonable expenses for board, lodging, medical care, nursing, clothing and all other necessary expenses incurred by the board of health, under this section, shall be allowed, certified and paid in the same manner as provided by section seventy-four.

1911, 394. 1939, 500, § 9.

SECTION 83. **Transfer of inmates of state hospitals by governor.** The governor may cause an inmate of a state hospital to be removed to another state hospital, as the circumstances or the necessities of the case may in his judgment require.

1853, 318, § 3. 1856, 247, § 5. G.S. 73, § 26.
P.S. 87, § 38. R.L. 87, § 85. 1909, 504, §§ 68, 107.

SECTION 84. **Detention and care of insane persons in United States service regulated.** The superintendent of any state hospital for the insane, or of the McLean hospital, may receive for care and treatment any person in the military or naval service of the United States who is suffering from mental disease and cannot properly be cared for at the army

post, naval station, air base or government hospital within the confines of the commonwealth where he is stationed or happens to be, upon the written application of the medical officer in charge at such army post, naval station, air base or government hospital, who shall make a full statement of the case in such form as the department prescribes. Unless otherwise ordered by the proper military or naval authority, persons received into an institution under this section may be detained therein for a period not exceeding sixty days, except that further detention, if necessary, may be authorized by the department.

1918, 142, § 1. 1919, 49, § 1. 1941, 481. 1941, 490, § 26. 1941, 722, § 10.

SECTION 85. **Same subject. Contracts.** The department may make contracts with the federal government relative to the support of persons received and cared for under the preceding section on such terms as may be agreed upon.

1918, 142, § 2.

SECTION 86. **Voluntary admissions.** The trustees, superintendent or manager of any institution to which an insane person, a dipsomaniac, an inebriate, or one addicted to the intemperate use of narcotics or stimulants, may be committed may receive and detain therein as a boarder and patient any person who is desirous of submitting himself to treatment, and who makes written application therefor and is mentally competent to make the application; and any such person who desires so to submit himself for treatment may make such written application. Except as otherwise hereinafter provided, no such person shall be detained more than three days after having given written notice of his intention or desire to leave the institution; provided, that if his condition is deemed by the trustees, superintendent or manager to be such that further hospital care is necessary and that he is no longer mentally competent to be detained therein as a voluntary patient, or that he could not be discharged from such institution with safety to himself and to others, said superintendent or manager shall forthwith cause application to be made for his commitment to an institution for the insane, and, during the pendency of such application, may detain him under the written application hereinbefore referred to.

1881, 272, § 3. P.S. 87, § 28. R.L. 87, § 53.
1905, 432, § 1. 1906, 316. 1909, 504, §§ 45, 54, 107.
1918, 139, § 3. 1919, 49, § 2. 1926, 132.
1 Op. A. G. 283. 1935, 314, § 8. 1939, 500, § 10.

SECTION 87. **Monson state hospital, admission to, etc., regulated.** The trustees of the Monson state hospital may receive and detain therein as a patient any person who is certified to be subject to epilepsy by a physician qualified as provided in section fifty-three, and who desires to submit himself to treatment and makes written application therefor, and whose age and mental condition are such as to render him competent to make such application, or for whom application is made by a parent or guardian. No such patient shall be detained more than ten days after having given written notice of his intention or desire to leave the hospital. Upon the patient's reception at the hospital, the superintendent shall report the particulars of the case to the department, which may investigate the same.

1895, 483, § 10. 1897, 395, § 4. 1898, 213, §§ 1–5.
1899, 211, §§ 2, 4. R.L. 87, §§ 67–72. 1907, 432.
1909, 504, §§ 58, 107. 1911, 71, § 2. 1 Op. A. G. 515.
1939, 500, § 11.

RELEASE AND DISCHARGE

SECTION 88. **Temporary absence on leave. Insane, etc., persons.** The superintendent or manager of any institution, after the examination re-

quired by section ninety-four has been made, may permit any inmate thereof temporarily to leave such institution in charge of his guardian, relatives, friends, or by himself, for a period not exceeding twelve months, and may receive him when returned by any such guardian, relative, friend, or upon his own application, within such period, without any further order of commitment, but no patient committed under section one hundred and one shall be permitted to temporarily leave the state hospital without the approval of the governor and council, nor shall such permission terminate or in any way affect the original order of commitment. The superintendent or manager may require as a condition of such leave of absence, that the person in whose charge the patient is permitted to leave the institution shall make reports to him of the patient's condition. Any such superintendent, manager, guardian, relative or friend may terminate such leave of absence at any time and authorize the arrest and return of the patient. The officers mentioned in section ninety-five shall cause such a patient to be arrested and returned upon the request of any such superintendent, manager, guardian, relative or friend. Any patient, unless he has been committed under section one hundred and one, who has not returned to the institution at the expiration of twelve months shall be deemed to be discharged therefrom.

1883, 78, § 2. 1889, 414, §§ 8, 9. 1899, 325, § 1. R.L. 87, §§ 60, 95.
1905, 435. 1909, 504, §§ 75, 107. 1916, 239. 1917, 48.
165 Mass. 559. 3 Op. A. G. 151. Op. A. G. (1920) 213.

SECTION 88A. **Same subject. Feebleminded persons.** The trustees of a state school for the feebleminded may permit any inmate of the school to leave the institution on parole for such length of time and on such conditions as they may determine and may from time to time extend the period of such parole or change the conditions upon which it is granted. They shall cause an investigation to be made prior to the granting of such parole as to the home into which such inmate is to go if paroled and other conditions and circumstances which may affect his welfare and behavior and shall provide such supervision of paroled inmates as they deem necessary for his welfare. They shall have such powers as to the revocation of the permit and as to the return of the inmate to whom it has been granted as are provided by law for the return of insane and feebleminded persons to the institutions from which they have been temporarily released. No length of absence on parole under this section from a state school for the feebleminded shall be construed as a discharge therefrom.

1922, 337.

SECTION 89. **Discharge. General provisions.** The superintendent or manager of a private institution described in section three, the superintendent of the McLean hospital, or of any institution other than a state hospital to which commitments may be made under section sixty-two, when authorized thereto by the trustees of such institution, the trustees of any such institution other than a state hospital themselves, the superintendent of a state hospital, the department having supervision of the institution, or, on written application, a judge of probate for the county where the institution is situated, or where the inmate had his residence at the time of his commitment or admission, or a justice of the superior court in any county, after such notice as the said superintendent, manager, trustees, department having supervision, judge or justice, may consider reasonable and proper, may discharge any inmate if it appears upon examination that he will be sufficiently provided for by himself, his guardian, relatives or friends, or that his detention in such institution is no longer necessary for his own welfare or the safety of the public. If the legal or natural guardian or any relative of an inmate opposes such discharge, it

shall not be made without written notice having been given to the person opposing such discharge. This section shall not apply to persons committed by a court under any provision of sections one hundred to one hundred and four, inclusive, except as otherwise provided in section one hundred and five.

1832, 163, § 6.
R.S. 48, §§ 14, 15.
1862, 223, §§ 13–15.
1883, 78, § 1.
1898, 433, § 21.
1906, 508, § 15.
165, Mass. 559.
1834, 150, § 6.
1839, 149, § 1.
1871, 321, §§ 1, 2.
1885, 339, § 3.
1899, 266, § 3; 325, § 2.
1909, 504, §§ 76, 107.
1 Op. A. G. 487.
1835, 129, § 3.
G.S. 73, §§ 27, 29, 30.
P. S. 87, §§ 39–41.
1897, 474, § 2.
R.L. 87, §§ 86, 91–94, 96.
1922, 535, § 6.
2 Op. A. G. 122.
1941, 216, § 3.

SECTION 89A. **Discharge of certain persons from custody of department, etc.** If at any time, after study and observation, the superintendent of a state school having custody of a person placed therein under section sixty-six A is of opinion that such person is not defective, or that his further detention is not required for his own or the public welfare, he shall so report to the department, which may thereupon discharge such person from further care and custody. Any parent, guardian, relative or friend of a person committed to the custody or supervision of the department of mental health or to a department for defective delinquents may at any time file a petition for a hearing in the probate court of the county in which such person resided or was found when first committed, to establish that further custody or supervision is not required for the welfare of such person or the public; and upon payment of the necessary traveling expenses by said petitioner, from the place where such person is detained to the place of hearing, and the giving of security for the payment of necessary expenses for a return to such place of detention, if a return shall be ordered, the probate court may by order require the attendance of such person at said hearing. Upon filing with the department of mental health or with the commissioner of correction, as the case may be, a certified copy of said order, the department of mental health or the commissioner of correction shall authorize and direct the attendance of such person at such hearing in compliance with the terms of said order. Notice of such hearing and proceedings thereupon shall be such as are prescribed by the court.

1921, 441, § 2. 1924, 88, § 2. 1941, 194, § 9.

SECTION 89B. **Same subject. Order of court.** If, at said hearing, the contention of the petitioner is sustained, the probate court may order the immediate discharge of such person and file a copy of such order with the commissioner of mental health or the commissioner of correction, as the case may be, and such person shall thereupon be discharged accordingly. If such contention is not sustained, such person shall be remanded to the custody or supervision of the department of mental health or to the department for defective delinquents; provided, that, except in the case of an inmate of a department for defective delinquents, the probate court may, in lieu of such immediate discharge or remand, permit such person to remain in the custody of a relative or friend who shall give security, to be approved by the court, for his safe care and custody and for his appearance in court whenever required, until discharged or remanded as herein provided.

1921, 441, § 2. 1938, 254, § 1. 1941, 194, § 10.

SECTION 90. **Discharge of unrecovered insane person regulated. Petition for instructions, when authorized procedure.** No unrecovered inmate who is known to have committed or attempted to commit violence to others, or who in the opinion of the superintendent or manager is, or

who is likely to become dangerous to others, shall be discharged from or permitted to leave an institution under section eighty-eight or section eighty-nine by the trustees, superintendent or manager without written approval of the department. The department shall not grant such approval unless the superintendent or manager shall have submitted to it a written report containing a full statement of the case and of the reasons for its opinion whether or not the patient is or is likely to become dangerous to others, and such other information as the department may require, nor unless the department is satisfied by such report or by its own investigation that such inmate is not and is not likely to become dangerous to others or, if so dangerous, that sufficient precautions will be taken to protect the public safety. The department, if it does not agree with such superintendent or manager, may file a petition for instructions in the probate court for the county where the institution is situated, and such court may in its discretion order such inmate to be brought before it and cause him to be examined by one or more experts in insanity, shall determine whether or not he is or is likely to become dangerous to others, and, if so dangerous, whether sufficient precautions will be taken to protect the public safety, and may order him to be discharged or to be returned to the institution. Copies of all reports, decisions, findings and evidence connected with the case shall be transmitted to the institution and made a part of the case record of the inmate. Reasonable expenses incurred by the probate court in such examination shall be approved by the court and paid by the commonwealth.

1909, 504, § 77. 1932, 180, § 23.

SECTION 91. **Discharge, application for.** Any person may make written application to a justice of the supreme judicial court at any time and in any county, stating that he believes or has reason to believe that a person named in such application is confined as an insane person in an institution or other place, public or private, and ought not longer to be so confined, giving the names of all persons supposed to be interested in keeping him in confinement, and requesting his discharge. Such an application may likewise be made by any inmate of the Walter E. Fernald state school, of the Belchertown state school or of the Wrentham state school, or by any person in his behalf.

1864, 288, § 1. 1871, 321, § 3. P.S. 87, § 42. R.L. 87, § 97.
1909, 504, §§ 78, 107. 1916, 122, § 3. 1922, 410, § 11. 1925, 293, § 9.

SECTION 92. **Discharge; notice to superintendent, further proceedings.** If an application is made under the preceding section, the justice, upon reasonable cause shown for a hearing, shall order notice of the time and place thereof to be given to the superintendent or manager of the institution or place of confinement, and to such other persons as he considers proper; and such hearing shall be given as soon as conveniently may be before any justice of the supreme judicial court in any county. The alleged insane or feebleminded person may be brought before the justice at the hearing upon a writ of habeas corpus, if any person so requests and the justice considers it proper. Pending the decision of the court such person shall remain in the custody of the superintendent or manager. An issue or issues may be framed and submitted to a jury by direction of the justice or on the request of any person who appears in the case. The jurors may be those in attendance on said court, if in session at the time of the hearing, or may be summoned for the purpose upon the order of the justice substantially in accordance with chapter two hundred and thirty-four.

1839, 149, § 1. G.S. 73, § 30. 1864, 288, §§ 3, 5. 1871, 321, § 4.
P.S. 87, § 43. R.L. 87, § 98. 1909, 504, §§ 79, 107. 1916, 122, § 4.

Section 93. **Discharge if not insane or dangerous.** If it appears upon the verdict of the jury, or in the opinion of the justice if the case is not submitted to a jury, that the person so confined is not insane, or that he is not dangerous to himself or others and ought not longer to be so confined, or in case of an inmate of the Walter E. Fernald state school, of the Belchertown state school or of the Wrentham state school, either that such inmate is not feebleminded, or that continued custody of his person is unnecessary and unreasonable, or that he can be discharged with safety to himself and the public, and will be cared for properly elsewhere, he shall be discharged from confinement.

1871, 321, § 5. 1879, 132. P.S. 87, § 44.
R.L. 87, § 99. 1909, 504, §§ 80, 107. 1916, 122, § 5.
1922, 410, § 12. 1925, 293, § 10. 3 Allen 225.

Section 94. **Clothing, etc., to be furnished on discharge.** No state charge in a state hospital shall be discharged therefrom without suitable clothing; and the trustees may furnish the same, and such amount of money, not exceeding twenty dollars, as they may consider necessary. Inquiry shall be made into the future situation of every patient about to be discharged, and precautionary medical advice shall be given to him. No patient shall be discharged or permitted to be temporarily absent from any institution without a personal examination of his mental condition made by one of the hospital physicians within forty-eight hours of his departure, the result of which shall be entered in his case record.

1834, 150, § 9. R.S. 48, § 13. G.S. 73, § 32. P.S. 87, § 45.
R.L. 87, § 101. 1909, 504, §§ 81, 107. 1 Op. A. G. 159.

Escape

Section 95. **Escape, arrest after.** An inmate of any institution, who escapes therefrom, may be arrested and returned thereto by an officer qualified to serve criminal process in any county, or by any officer or employee of such institution. The superintendent of police of Boston, city marshals and chiefs of police of towns, upon information from the superintendent or manager of such institution of such an escape, shall cause the person so escaping, if he is within such town, to be arrested and returned to the institution at its expense.

1897, 474, § 1. R.L. 87, § 61. 1909, 504, §§ 86, 107.

Support

Section 96. **Support of inmates of state hospitals regulated. Contribution from certain persons, when recoverable. Removal of guardian, etc. for failure to support. Certain statements receivable as prima facie evidence.** The price for the support of inmates of state hospitals, except the Boston psychopathic hospital, and of insane inmates of the Tewksbury state hospital and infirmary and of the Bridgewater state hospital, not under orders of a court, shall be determined by the department at a sum not exceeding ten dollars per week for each person, and may be recovered of such persons or of the husband, wife, father, mother, grandfather, grandmother, child or grandchild if of sufficient ability. The price for the support of inmates of the Boston psychopathic hospital shall be determined by the department and may be recovered as herein provided. A married woman shall be subject to the said liability as though sole. Such action shall be brought by the attorney general in the name of the state treasurer.

Any person making payment for such support may recover the same, by suit in equity in the superior court to which any or all of the classes of persons hereinbefore named may be made parties, regardless of the existence of the marriage relation, from any person primarily liable for such support, or may have the amount so paid apportioned among those who

are not primarily liable, in proportion to their respective ability to pay, and may recover such apportionment.

No account of any guardian or conservator of such an inmate shall be allowed except after notice to the department or upon its written assent or waiver of notice. If the probate court, upon application of the department, finds that any such guardian or conservator having in his possession or under his control property of his ward exceeding five hundred dollars in value, has failed to pay, within three months after receipt of any bill therefor, for the support of his ward at the rate determined by the department under authority of this section, said court may make an order for the payment from the estate of such amount as it may determine.

In all proceedings under this section the sworn statement of a person that he is the superintendent of one of said institutions, or keeps or has custody of the records thereof or of the records of the department, and that a certain person has been an inmate of said institution during a certain period of time, or that the price of the support of a certain inmate has been determined at a certain sum by the department, shall be prima facie evidence of the said facts.

1832, 163, §§ 4, 5. 1834, 150, §§ 5, 7. 1835, 129, §§ 1, 2, 4. R.S. 48, §§ 8, 11, 16.
1837, 228, § 7. 1856, 108, § 4. 1857, 209. 1858, 161.
1859, 107, § 2. G.S. 73, §§ 22–24. 1862, 223, §§ 9–11. 1863, 240, § 9.
1864, 138, § 1. 1870, 105, § 1. 1879, 88. 1880, 149.
P.S. 87, §§ 31–33. 1883, 239, § 3. 1884, 322, § 9. 1886, 298, §§ 7, 10.
1889, 414, § 17. 1892, 425, § 4. 1895, 483, § 12. 1897, 395, § 4.
1898, 213, §§ 1–5. 1899, 211, §§ 3, 4. 1900, 451, § 1. R.L. 87, § 68–72, 75–80, 120.
1905, 254. 1906, 508, § 17. 1908, 613, § 1; 629. 1909, 504, §§ 45, 82, 107.
1915, 208. 1917, 133. 1918, 139, § 3. 1921, 317, § 3.
1925, 314. 1926, 274. 18 Pick. 379. 3 Met. 1.
9 Cush. 585. 1 Gray, 514. 5 Gray, 390. 9 Gray, 32.
11 Gray, 107. 6 Allen, 585. 12 Allen, 510. 116 Mass. 570.
119, Mass. 479. 130 Mass. 12. 131 Mass. 328. 151 Mass. 96.
160 Mass. 232. 164 Mass. 506. 194 Mass. 486. 195 Mass. 42.
196 Mass. 63. 268 Mass. 594. 1 Op. A. G. 515. 3 Op. A. G. 132.
1941, 351, § 41. 1941, 398.

Privileges of Patients

Section 97. **Attorney may visit patients, when.** An attorney at law regularly retained by or on behalf of any person committed to an institution shall be admitted to visit his client at all reasonable times, if in the opinion of the superintendent or manager thereof such visit would not be injurious to such person, or if a justice of the supreme judicial or superior court, in any county, or a judge of probate within his county first orders in writing that such visit be allowed.

1879, 195, § 4. P.S. 87, § 35. R.L. 87, § 82. 1909, 504, §§ 84, 107.

Section 98. **Patients may write to the department. Other correspondence regulated.** All patients of any institution shall be allowed to write freely to the department, subject to its regulations. Letters so written shall be forwarded unopened by the superintendent, manager or person in charge of said institution to said department, and letters or other communications by or from the department may be sent to the patient. All other letters to or from the patient may be sent as addressed or to his parent or legal guardian or most interested friend.

1874, 363, §§ 1, 2. P.S. 87, § 36. 1898, 433, § 15.
R.L. 87, § 83. 1909, 504, §§ 85, 107. 4 Op. A. G. 219.

Examinations of Persons coming before Courts

Section 99. **Mental condition of persons coming before courts, how determined. Expenses.** In order to determine the mental condition of any person coming before any court of the commonwealth, the presiding judge may, in his discretion, request the department to assign a member of the medical staff of a state hospital to make such examinations as he may deem necessary. No fee shall be paid for such examination, but the

examining physician may be reimbursed for his reasonable traveling expenses.

1918, 153. 271 Mass. 435.

SECTION 100. **Commitment to state hospitals of persons under indictment.** If a person under complaint or indictment for any crime is, at the time appointed for trial or sentence, or at any time prior thereto, found by the court to be insane or in such mental condition that his commitment to an institution for the insane is necessary for his proper care or observation pending the determination of his insanity, the court may commit him to a state hospital or to the Bridgewater state hospital under such limitations, subject to the provisions of section one hundred and five as it may order. The court may in its discretion employ one or more experts in insanity, or other physicians qualified as provided in section fifty-three, to examine the defendant, and all reasonable expenses incurred shall be audited and paid as in the case of other court expenses. A copy of the complaint or indictment and of the medical certificates attested by the clerk shall be delivered with such person in accordance with section fifty-three. If reconveyed to jail or custody under section one hundred and five, he shall be held in accordance with the terms of the process by which he was originally committed or confined.

1849, 68. G.S. 172, § 14. P.S. 214, § 16. 1891, 379, § 12.
R.L. 219, §§ 11, 12. 1904, 257. 1909, 504, §§ 103, 107. 1917, 46, § 1.
1923, 467, § 2. 212 Mass. 438.

SECTION 100A. **Investigation of mental condition of certain persons held for trial. Notice. Fees. Penalty.** Whenever a person is indicted by a grand jury for a capital offense or whenever a person, who is known to have been indicted for any other offense more than once or to have been previously convicted of a felony, is indicted by a grand jury or bound over for trial in the superior court, the clerk of the court in which the indictment is returned, or the clerk of the district court or the trial justice, as the case may be, shall give notice to the department, which shall cause such person to be examined with a view to determine his mental condition and the existence of any mental disease or defect which would affect his criminal responsibility. Whenever the probation officer of such court has in his possession or whenever the inquiry which he is required to make by section eighty-five of chapter two hundred and seventy-six discloses facts which if known to the clerk would require notice as aforesaid, such probation officer shall forthwith communicate the same to the clerk who shall thereupon give such notice unless already given. The department shall file a report of its investigation with the clerk of the court in which the trial is to be held, and the report shall be accessible to the court, the probation officer thereof, the district attorney and to the attorney for the accused. In the event of failure by the clerk of a district court or the trial justice to give notice to the department as aforesaid, the same shall be given by the clerk of the superior court after entry of the case in said court. Upon giving the notice required by this section the clerk of a court or the trial justice shall so certify on the papers. The physician making such examination shall, upon certification by the department, receive the same fees and traveling expenses as provided in section seventy-three for the examination of persons committed to institutions and such fees and expenses shall be paid in the same manner as provided in section seventy-four for the payment of commitment expenses. Any clerk of court or trial justice who wilfully neglects to perform any duty imposed upon him by this section shall be punished by a fine of not more than fifty dollars.

1921, 415. 1923, 331. 1925, 169. 1927, 59, § 1.
1929, 105. 257 Mass. 391. 273 Mass. 240.
1941, 194, § 11.

SECTION 101. **Commitment of persons acquitted of murder, etc., by reason of insanity. Discharge.** If a person indicted for murder or manslaughter is acquitted by the jury by reason of insanity, the court shall order him to be committed to a state hospital or to the Bridgewater state hospital during his natural life. The governor, with the advice and consent of the council, may discharge such a person therefrom when he is satisfied after an investigation by the department that such discharge will not cause danger to others.

1873, 227. P.S. 214, §§ 20, 21. 1895, 390, § 7. R.L. 219, § 16.
1909, 504, §§ 104, 107. 1923, 467, § 3. 136 Mass. 489.

INSANE PRISONERS

SECTION 102. **Insane prisoners, examination. "Superior court" defined, for purposes of §§102 and 103.** The department shall designate two persons, experts in insanity, to examine prisoners in the state prison, state prison colony, the Massachusetts reformatory, or the reformatory for women, alleged to be insane. If any such prisoner appears to be insane or in such mental condition that his commitment to an institution for the insane is necessary for his proper care or observation pending the determination of his insanity, the warden or superintendent shall notify one or both of said experts, who shall, with the physician of such penal institution, examine the prisoner and report the result of their investigation to the superior court of the county where such penal institution is situated. For the purposes of this section and section one hundred and three "superior court" may, in respect to a prisoner in the state prison colony, include the district court of western Norfolk, in respect to a prisoner in the Massachusetts reformatory, the district court of central Middlesex, and, in respect to a prisoner in the reformatory for women, the first district court of southern Middlesex.

The person who makes such examination of a prisoner hereunder shall, if he is not a salaried officer of the department, receive four dollars for each examination and twenty cents for each mile travelled one way which shall be paid from the annual appropriation of the institution in which the prisoner is examined.

1844, 120, §§ 1, 2. 1856, 135. G. S. 180, §§ 1–3.
1862, 8. 1880, 250, § 5. P.S. 222, § 10.
1885, 320, § 1. 1886, 101, § 4. 1898, 433, §§ 24, 28.
R.L. 225, § 101. 1906, 472. 1909, 274; 504, §§ 105, 107.
1910, 345, § 1. 1911, 604, § 1. G.L. (Ed. of 1920) 123, §§ 102, 103.
1929, 213, § 1. 1934, 15. 173 Mass. 550.
255 Mass. 369. 4 Op. A. G. 531. 1938, 226.
1941, 344, § 3.

SECTION 103. **Insane prisoners, removal to state hospital.** The superior court upon a report under the preceding section, if it considers the prisoner to be insane or in such mental condition that his commitment to an institution for the insane is necessary for his proper care or observation pending the determination of his insanity, and his removal expedient, shall issue a warrant, directed to the warden or superintendent, authorizing him to cause the prisoner, if a male, to be removed to the Bridgewater state hospital, and, if a female, to be removed to one of the state hospitals for the insane, subject to the provisions of section one hundred and five.

1844, 120, § 2. G.S. 180, § 3. 1880, 250, § 5. P.S. 222, § 10.
1885, 320, § 1. 1886, 101, § 5. 1895, 390, § 3. 1898, 433, § 28.
R.L. 225, § 101. 1906, 472. 1909, 274; 504, §§ 105, 107.
1910, 345, § 1. 1911, 604, § 1. 1929, 213, § 2. 1931, 166, § 1.
173 Mass. 550. 255 Mass. 369. 1 Op. A. G. 113. 195 Mass. 42.

SECTION 104. **Insane prisoners, removal from jails, houses of correction, etc.** If a prisoner under sentence in a jail, house of correction, or prison other than one named in section one hundred and two, appears to

be insane or in such mental condition that his commitment to an institution for the insane is necessary for his proper care or observation pending the determination of his insanity, the physician in attendance shall make a report thereof to the jailer or master who shall transmit the same to one of the judges mentioned in section fifty. If the judge finds in accordance with sections fifty and fifty-one that the prisoner is insane, or if he finds that the mental condition of the prisoner is such that his commitment to an institution for the insane is necessary for his proper care or observation pending the determination of his insanity, and that his removal is expedient, he shall order the removal of such prisoner, if a male to Bridgewater state hospital, if a female to one of the state hospitals for the insane, subject to the provisions of section one hundred and five; provided, that if a male prisoner has not been criminal and vicious in his life the judge may order him removed to one of the state hospitals. A physician, other than the physician in attendance at the place of detention, making the certificate, shall be entitled to the compensation provided by section seventy-three.

R.S. 145, § 1. 1853, 259. G.S. 180, §§ 4, 5. P.S. 222, §§ 12, 13.
1886, 219, § 1. 1895, 390, § 3. R.L. 85, § 41; 225, § 102.
1909, 504, §§ 98, 106, 107. 1910, 122. 1917, 46, § 2.
1929, 213, § 3. 1931, 166, § 2. 195 Mass. 42.

Section 105. **Reconveyance of prisoners restored to sanity, not dangerously insane, etc.** When, in the opinion of the superintendent of the state hospital to which a prisoner has been committed or removed under section one hundred, one hundred and three or one hundred and four, or of the commissioner and the medical director appointed under section forty-eight of chapter one hundred and twenty-five in case of commitment or removal to the Bridgewater state hospital, the mental condition of the prisoner is such that he should be returned to custody or to the penal institution from which he was taken, he or they shall so certify upon the warrant or commitment, and notice, accompanied by a written statement regarding the mental condition of the prisoner, shall be given to the proper custodian or to the warden, superintendent, keeper or master, as the case may be, of such penal institution, who shall thereupon cause the prisoner to be reconveyed to such custodian, or to such penal institution, there to remain pursuant to the original sentence if committed or removed under section one hundred and three or one hundred and four, computing the time of his detention or confinement in the said hospital as part of the term of his imprisonment under such sentence; provided, that a prisoner committed or removed to a state hospital under section one hundred, one hundred and three or one hundred and four for his proper care or observation pending the determination of his insanity shall, unless found to be insane as hereinafter provided, be returned in the manner hereinbefore provided to the penal institution or custody whence so taken, not later than thirty-five days thereafter, but such prisoner shall in all other respects be subject to the provisions of this section. If a prisoner committed as insane under section one hundred, who has not been restored to sanity, is returned as aforesaid because in the opinion of the superintendent, or of the commissioner and said medical director, as the case may be, neither the public interest nor the welfare of the prisoner will be promoted by his further retention in the hospital, he or they shall so certify upon the warrant or commitment and shall append thereto a report relative to the prisoner's mental condition as affecting his criminal responsibility and the advisability of his discharge or temporary release from the penal institution or custody to which he is returned. If a prisoner, committed or removed under section one hundred, one hundred and

three or one hundred and four for his proper care or observation as aforesaid, is found by the superintendent or by the commissioner and said medical director, as the case may be, to be insane, the finding shall be certified upon the warrant or commitment, and the commissioner and superintendent of the institution, or said medical director, as the case may be, shall report the prisoner's mental condition to the court or judge issuing the warrant or commitment, or in case of the death, resignation or removal of the judge, to his successor in office, or in case of the absence or disability of the judge, to any judge or special justice of the same court, with the recommendation that the prisoner be committed as an insane person. The court, judge or justice may thereupon commit the prisoner to an institution for the insane, if, in the opinion of the court, judge or justice, such commitment is necessary. The provisions of this section relative to the return to custody or to a penal institution of a prisoner taken therefrom under section one hundred, one hundred and three or one hundred and four, shall apply, so far as apt, to a prisoner committed under this section.

If a prisoner under complaint or indictment is committed in accordance with section one hundred, and such complaint or indictment is dismissed or nol prossed, or if a prisoner is committed in accordance with sections one hundred and three or one hundred and four, and his sentence has expired, the superintendent of the institution to which commitment was made or said medical director and the commissioner, in case of commitment to the Bridgewater state hospital, as the case may be, may permit such prisoner temporarily to leave such institution in accordance with sections eighty-eight and ninety or may discharge such prisoner in accordance with section eighty-nine. The word "prisoner" as used in this section shall include all persons committed under section one hundred, whether or not in custody when so committed; and in construing this section a maximum and minimum sentence shall be held to have expired at the end of the minimum term, and an indeterminate sentence, at the end of the maximum period fixed by law.

R.S. 145, § 2. 1853, 259. G.S. 180, §§ 3, 5.
P.S. 222, §§ 10, 13. 1880, 250, § 5. 1885, 320, § 1.
1886, 101, § 4; 219, § 1. 1895, 390, § 6. 1898, 433, § 28.
R.L. 85, § 41; 225, §§ 101, 102. 1906, 472.
1909, 274; 504, §§ 98, 103, 105–107. 1910, 122.
1917, 46, §§ 1, 2. G.L. (ed. of 1920) 123, §§ 103–105.
1923, 467, § 4. 1929, 213, § 4. 1931, 166, § 3.
1936, 130. 1939, 54. 1941, 216, § 2.

RENDITION

SECTION 106. **Rendition of insane persons.** The governor may upon demand deliver to the executive of any other state any person who has escaped from an institution for the insane to which he has been committed under the laws of such state, and who may be dangerous to the safety of the public, or may upon application appoint an agent to demand of the executive authority of any other state any person who has escaped from an institution in this commonwealth. Such demand or application shall be accompanied by an attested copy of the commitment and sworn evidence of the superintendent or manager of the institution stating that the person demanded has escaped from such institution, and by such further evidence as the governor requires.

1909, 504, § 87. 219, Mass. 548.

SECTION 107. **Warrant.** If the governor is satisfied that the demand made upon him under the preceding section conforms to law and ought to be complied with, he shall issue his warrant under the seal of the commonwealth to an officer authorized to serve warrants in criminal cases, directing him at the expense of the agent who makes the demand, and at

a time designated in the warrant, to take and transport such person to the boundary line of the commonwealth and there deliver him to such agent. The officer may require aid as in criminal cases.

1909, 504, § 88.

Section 108. **Writ of habeas corpus, when.** A person arrested upon such a warrant shall not be delivered to the agent of another state until he has been notified of the demand for his surrender and has had an opportunity to apply for a writ of habeas corpus, if he claims such right of the officer making the arrest. If the said writ is applied for, notice thereof and of the time and place of hearing shall be given to the attorney general or to the district attorney for the district where the arrest is made. An officer who delivers such person in his custody upon such warrant to such agent for rendition without having complied with this section shall forfeit not more than one thousand dollars. Pending the determination of the court upon an application for the said writ, the person shall be detained in custody in a suitable institution for the insane.

1909, 504, § 89.

Section 109. **Payment of expenses.** If an application made under section one hundred and six for the arrest of a patient escaped from an institution in the commonwealth is granted and an agent is appointed as therein provided, his reasonable expenses shall be paid by the commonwealth from the appropriation for expenses of the institution from which the patient escaped.

1909, 504, § 90. 1931, 426, § 234.

Certain Acts Forbidden

Section 110. **Conspiracy to commit a sane person. Penalty.** Whoever wilfully conspires with a person unlawfully or improperly to commit to an institution for the insane a person who is not insane or wilfully assists in or connives at such a commitment shall be punished by fine or imprisonment, at the discretion of the court.

1881, 272, § 5. P.S. 87, § 30. R.L. 87, § 56.
1909, 504, §§ 91, 107. 1937, 136.

Section 111. **Ill-treatment, etc. Penalty.** Any person employed in an institution, or having charge of an insane, feebleminded or epileptic person, whether by reason of any contract or of any ties of relationship or marriage or otherwise, who ill-treats or wilfully neglects such person shall be punished by fine or imprisonment, at the discretion of the court.

1909, 504, § 92.

Section 112. **Escape, connivance at. Penalty.** Any person who wilfully permits or assists, or connives at, the escape of a patient from any institution, or secretes a patient who has escaped therefrom, shall be punished by fine or imprisonment, at the discretion of the court.

1909, 504, § 93. 1919, 48.

Defective Delinquents and Drug Addicts

Section 113. **Commitments to Department for Defective Delinquents.** At any time prior to the final disposition of a case in which the court might commit an offender to the state prison, the reformatory for women, any jail or house of correction, the Massachusetts reformatory, the state farm, the industrial school for boys, the industrial school for girls, the Lyman school, any county training school, or to the custody of the department of public welfare, for any offense not punishable by death or imprisonment for life, a district attorney, probation officer, or officer of the department of correction, public welfare or mental health may file in court an application for the commitment of the defendant in such a case

to a department for defective delinquents established under sections one hundred and seventeen and one hundred and twenty-four, or to a department for the care and treatment of drug addicts, established under authority of said sections. On the filing of such an application the court may continue the original case from time to time to await disposition thereof. On the filing of an application for the commitment to a department for defective delinquents the court shall give notice to the department of mental health and said department shall cause such person to be examined by two experts in insanity with a view to determining whether or not he is mentally defective, and shall file a written report with the clerk of the court in which the case is pending and the report shall be accessible to the court, the probation officer, the district attorney and to the defendant and his attorney. If, on a hearing on an application for commitment as a defective delinquent, the defendant is found to be mentally defective, and the court, after examination into his record, character and personality, finds that he has shown himself to be an habitual delinquent or shows tendencies toward becoming such and that such delinquency is or may become a menace to the public, and that he is not a proper subject for a school for the feebleminded or for commitment as an insane person, the court shall make and record a finding to the effect that the defendant is a defective delinquent and may commit him to such a department for defective delinquents according to his age and sex, as hereinafter provided. If, on a hearing on an application for commitment as a drug addict, it appears that the defendant is addicted to the intemperate use of stimulants or narcotics, the court may commit him to a department for the care and treatment of drug addicts.

1911, 595, § 1. 1921, 270, § 1. 1922, 535, § 7.
1928, 333. 1941, 194, § 12. 1943, 185, § 1.

Section 114. **Removal from Institution because of Violation of Regulations.** If an offender while under commitment to any of the institutions named in section one hundred and thirteen, to the state prison colony or to the custody of the department of public welfare, persistently violates the regulations of the institution or department in whose custody he is, or conducts himself so indecently or immorally, or otherwise so grossly misbehaves as to render himself an unfit subject for retention in said institution or by said department, and it appears that such offender is mentally defective or addicted to the intemperate use of stimulants or narcotics, and is not a proper subject for a school for the feebleminded, a physician in attendance at such institution or a physician employed by said department shall make a report thereof to the officer in charge of said institution or to the director of child guardianship, who shall transmit the same to one of the judges mentioned in section fifty. If it appears to said judge that such offender may be mentally defective the judge shall give notice to the department of mental health and said department shall cause the offender to be examined by two experts in insanity with a view to determining whether or not the offender is mentally defective and shall cause a written report to be made to said judge. The judge shall make inquiry into the facts and, if satisfied that the offender is mentally defective or so addicted, and not a proper subject for a school for the feebleminded, shall order his removal to a department for defective delinquents, or to a department for the care and treatment of drug addicts, as the case may be, according to his age and sex as hereinafter provided.

1911, 595, § 2. 1922, 535, § 8. 1943, 185, § 2.

SECTION 115. **Physicians' Certificate, to be filed in certain cases.** No person shall be committed to a department for defective delinquents under section one hundred and thirteen or one hundred and fourteen or be removed thereto under section one hundred and sixteen unless the report of the department of mental health required under said section contains a certificate by the two experts in insanity who examined him that such person is mentally defective. No person shall be committed to a department for the care and treatment of drug addicts under section one hundred and thirteen or one hundred and fourteen unless there has been filed with the judge a certificate by two physicians qualified as provided in section fifty-three that such person is addicted to the intemperate use of stimulants or narcotics. The fees of the experts or physicians issuing such certificates or issuing certificates under section one hundred and seventeen A shall be of the amount and paid in the manner provided for like service in sections three to one hundred and twelve, inclusive.

1911, 595, § 3. 1922, 535, § 9. 1943, 185, § 3.

SECTION 116. **Removal from school for feebleminded. Violation of Regulations, etc.** If an inmate of a school for the feebleminded persistently violates the regulations of the school, or conducts himself so indecently or immorally, or so grossly misbehaves as to render himself an unfit subject for retention therein, the officer in charge shall make a report thereof to one of the judges mentioned in section fifty. The judge shall give notice to the department of mental health and said department shall cause the offender to be examined by two experts in insanity with a view to determining whether or not the offender is an improper subject to be retained in a school for the feebleminded and should be committed as a defective delinquent and said department shall cause a written report to be made to said judge. The judge shall make inquiry into the facts and, if satisfied that such inmate is not a fit subject for retention in the school, shall order his removal to a department for defective delinquents, according to his age and sex as hereinafter provided.

1911, 595, § 4. 1943, 185, § 4.

SECTION 117. **Departments for defective delinquents and for drug addicts.** At the Massachusetts reformatory, the state farm or such other place or places as may hereafter be approved by the governor and council there may be maintained departments to be termed departments for defective delinquents, for the custody of persons committed thereto under sections one hundred and thirteen to one hundred and sixteen, inclusive. At any state institution under the supervision of the department of correction, there may be established and maintained, with the approval of the governor and council, departments to be termed departments for drug addicts, for the care and treatment of persons addicted to the intemperate use of narcotics or habit forming stimulants or sedatives and committed thereto under said sections. All men and boys so committed shall be committed to departments for male defective delinquents or for male drug addicts, as the case may be. All women and girls so committed shall be committed to departments for female defective delinquents or for female drug addicts, as the case may be. All such persons committed to departments for defective delinquents or for drug addicts at any institution under control of the department of correction shall be and remain in the custody of the said department until discharge as hereinafter provided.

1911, 595, § 5. 1916, 241, §§ 1, 2. 1921, 270, § 2.
1913, 796, § 1. 1919, 199, § 1; 350, § 82. 1922, 535, § 10.
1941, 655, § 2.

SECTION 117A. **Return of certain prisoners to penal institutions.** When, in the opinion of the commissioner of correction and the superintendent of an institution wherein a department for defective delinquents has been established, or, in case of such a department established at the state farm, the medical director appointed under section forty-eight of chapter one hundred and twenty-five, the mental condition of a person removed from any institution referred to in section one hundred and thirteen, one hundred and fourteen or one hundred and sixteen, is such that he should be returned to the institution from which he was removed, notice shall be given to the department of mental health and said department shall cause the person to be examined by two experts in insanity with a view to determining whether or not his mental condition is such that he should be returned. If upon examination by such experts a person committed as a defective delinquent is found to be in such mental condition that he should be returned to the institution from which he was removed, they shall so certify upon the order of commitment, and notice, accompanied by a written statement regarding the mental condition of such person, shall be given to the officer in charge of the institution from which he was removed who shall thereupon cause such person to be returned to such institution. A person so returned to a penal institution shall remain there pursuant to the original sentence, computing the time of his confinement in said department as part of the term of his imprisonment under such sentence.

1936, 32. 1943, 185, § 5.

SECTION 118. **Parole, etc.** The parole board in the department of correction may parole inmates of the departments for defective delinquents or drug addicts on such conditions as it deems best, and may, at any time during the parole period, recall to the institution any inmate paroled. Said board shall not entertain a petition for parole of a person confined in any department for defective delinquents or for drug addicts, unless and until said person is recommended by the superintendent and physician of the institution at which the department is established, or if established at the state farm, by the superintendent and medical director thereof, for consideration for parole by the parole board. In all other respects the parole of defective delinquents may be regulated by rules of the parole board.

1911, 595, 6. 1916, 241, § 2. 1919, 199, § 1. 1943, 185, § 6.
350, § 82. 1922, 535, § 11. 1938, 254, § 2.

SECTION 119. **Parole and discharge by order of court.** Any person may apply at any time to the justice of the district court in whose jurisdiction a department for drug addicts is located, for the discharge of any inmate of said department. A hearing shall thereupon be held, of which notice shall be given to the applicant and to the person in charge of the institution where the inmate is confined. If after the hearing the justice shall find that it is probable that the inmate can be allowed to be at large without serious injury to himself, or damage or injury or annoyance to others, he may order the person having custody of said inmate to parole him. Further action on the application for the inmate's discharge shall be suspended for one year from the date of his parole. If, at any time prior to the expiration of said year, the justice of the court where the application was filed shall be satisfied that the best interests of said inmate, or of the public, require the recall of the inmate from parole, he may authorize the person having custody of the inmate to so recall him. If an application is denied, a new application shall not be made within one year after the date of the order denying the previous application. If at the end of said year the justice shall find that said inmate can be allowed to be

permanently at large without serious injury to himself, or damage or injury or annoyance to others, he may order the person having custody of said inmate to discharge him. If a person discharged under this section is found by any court to have committed, after his discharge, any offense against the laws of the commonwealth, said court may commit such person to a department for drug addicts, without the certificate of any physician.

1911, 595, § 7. 1922, 535, § 12. 1938, 254, § 3.

Section 120. **Powers of Special Justices of courts in Certain Cases.** Any special justice, when holding court at the request of the justice, shall have the powers and perform the duties of the justice under sections one hundred and thirteen to one hundred and twenty-four, inclusive. In case of a vacancy in the office of justice and in the case of the illness, absence or other disability of the justice, the special justice who holds the senior commission shall, if no request has been made as aforesaid, have the powers and perform the duties of the justice under said sections.

1911, 595, § 8.

Section 121. **Records of Proceedings of Commitments.** A docket for, and a record of all proceedings under sections one hundred and thirteen to one hundred and twenty-four, inclusive, and all papers in connection therewith, shall be kept by the clerk of the court in which the justice making the commitment under said sections sits. The clerk shall receive and keep on file the original application, the certificate of physicians and the copy of the order of commitment attested by and with the return thereon of the officer or other person serving the same.

1911, 595, § 9. 1923, 397.

Section 122. **Commitments of defective delinquents, how made.** All commitments under sections one hundred and thirteen to one hundred and twenty-four, inclusive, shall be made under an order signed by the justice making it. Such order may be served by any person qualified to serve any process issuing out of the court in which the justice making the commitment sits or, in case of transfer, by any officer or attendant of the institution from which the transfer is being made. The officer or other person serving such order shall make return of service on an attested copy thereof.

1911, 595, § 10.

Section 123. **Expenses of Commitments, etc.** All necessary expenses attending proceedings under sections one hundred and thirteen to one hundred and twenty-four, inclusive, shall be allowed, certified and paid in the manner provided in section seventy-four.

1911, 595, § 11.

Section 124. **Time of taking effect of Certain Provisions.** Sections one hundred and thirteen to one hundred and twenty-four, inclusive, shall take effect as to any of the departments named in section one hundred and seventeen when the same is ready for occupancy. The commissioner of correction shall notify the governor when a department is in a suitable condition to receive inmates; and the governor may then issue his proclamation establishing such department as a place for the custody of defective delinquents or for the care and treatment of drug addicts, as the case may be.

1911, 595, § 12. 1916, 241, §§ 1, 2. 1919, 199, § 1; 350, § 82. 1922, 535, § 13. 1913, 796, § 2.

References

Composition of the department and of the boards of trustees of the state hospitals, together with administrative details relating thereto, Chapter 19.

Form of and necessity for notices to and statements by the department in connection with appointment, performance of certain duties, allowance of account, or discharge of guardian or conservator, Chapter 201.

Provisions relative to gift, etc., of liquor to inmates of institutions, Chapter 268, § 27.

Commitments to the Tewksbury state hospital and infirmary, Chapter 122, § 20.

Estimates, plans and specifications relating to new or additional buildings, or repairs thereto, at state hospitals, Chapter 29, § 7.

Expense of removal of insane criminals, Chapter 127, § 123.

Sections 16, 16A, 31. Boarding out of insane persons.

Chapter 4
STATUTES

Sect.
7. (9) Fiscal year.
(15) Insane person and lunatic.
Sect.
7. (18) Legal holiday.

Section 7 (9). (*Fiscal Year.*) Ninth, "Fiscal year", when used with reference to the commonwealth or any of its offices, departments, boards, commissions, institutions or undertakings, except the metropolitan district commission and the metropolitan district water supply commission, established by section one of chapter three hundred and seventy-five of the acts of nineteen hundred and twenty-six, shall mean the year beginning with July first and ending with the following June thirtieth, both inclusive, and as to said commissions shall mean the year beginning with December first and ending the following November thirtieth, both inclusive. "Fiscal biennium", when so used, shall mean, except as to said commissions, the period of two consecutive fiscal years beginning with July first following the assembling of the general court at its regular biennial session, and as to said commissions, shall mean such period beginning with December first preceding such session.

Revised 1941, Ch. 509, Sec. 1.

Section 7 (15). (*Definitions.*) In construing statutes the following words shall have the meanings herein given, unless a contrary intention clearly appears:

"Insane person" and "lunatic" shall include every idiot, non-compos, lunatic and insane and distracted person.

Section 7 (18). (*Legal holiday.*) Eighteenth, "Legal holiday" shall include January first, February twenty-second, April nineteenth, May thirtieth, July fourth, the first Monday of September, October twelfth, November eleventh, Thanksgiving day and Christmas day, or the day following when any of the five days first mentioned, October twelfth, November eleventh, or Christmas day occurs on Sunday; and the public offices shall be closed on all of said days; and all laws, statutes, orders, decrees, rules and regulations regulating the observance of the Lord's day shall be applicable to May thirtieth and November eleventh between the hours of seven o'clock ante meridian and one o'clock post meridian, or during the same hours on the day following when May thirtieth or November eleventh occurs on Sunday, except that on May thirtieth, or on the day following when May thirtieth occurs on Sunday, florist shops may be kept open all of said day; and all laws, statutes, orders, decrees, rules and regulations regulating the keeping open of retail stores on the Lord's day shall be applicable to the keeping open of retail stores on October twelfth between the hours of seven o'clock ante meridian and one o'clock post meridian, or during the same hours on the day following when October twelfth occurs on Sunday. "Legal holiday" shall also include, with respect to Suffolk county only, March seventeenth and June seventeenth, or the day following when March seventeenth or June seventeenth occurs on Sunday, and the public offices of the cities of Boston, Chelsea and Revere, the town of Winthrop and the county of Suffolk shall be closed on said March seventeenth or the day following when March seventeenth occurs on Sunday, and the public offices in said county shall be closed on said June seventeenth or the day following when June seventeenth occurs on Sunday; provided, that the words "Legal holiday" as used in section forty-

five of chapter one hundred and forty-nine, and the word "holiday" as used in chapter one hundred and seven, shall not include March seventeenth or the day following when March seventeenth occurs on Sunday.

Amended Ch. 91, Sec. 1, Acts 1941.

Chapter 6

GOVERNOR, LIEUTENANT GOVERNOR AND COUNCIL

Section 10. (*Delegates to Conventions, Travel Outside Commonwealth by State Officers, etc.*) The governor may appoint state officers as delegates to represent the commonwealth at such conventions as may be held in any part of the United States for the purpose of considering questions of charity, reform, statistics, insurance and other matters affecting the welfare of the people. Their necessary expenses may be paid from such appropriations as the general court may make for the traveling and contingent expenses of such officers. No officer or employee of the commonwealth shall travel outside the commonwealth at public expense unless he has previously been authorized by the governor to leave the commonwealth, and in applying for such authorization the officer or employee shall specify the places to be visited and the probable duration of his absence.

Chapter 10

STATE TREASURER

Section 17. (*To Receive and Invest Funds for Institutions under Supervision of Department of Mental Health.*) (*Bequests.*) The state treasurer may receive the principal of any fund given or bequeathed to the commonwealth or to the department of mental health for the use of insane, feebleminded or epileptic persons or those addicted to the intemperate use of narcotics or stimulants in any institution or place under the supervision of said department; and upon its request he shall expend the income of all such funds, and such part of the principal as may be subject to the control of said department, in such manner as it may direct, subject to any condition affecting the administration thereof. Said funds shall be invested safely by the state treasurer, and he shall be held responsible for the faithful management of the same in the same manner as for other funds held by him.

Amended Ch. 194, Sec. 1, Acts 1941.

Chapter 13

BOARD OF REGISTRATION IN NURSING

Section 15A. (*Approving Authority for Schools for Nurses and for Attendants.*) There shall be an approving authority for schools for nurses and schools for attendants, in this section and sections fifteen B, fifteen C and fifteen D referred to as the approving authority, consisting of seven members, of whom one shall be the secretary of the board of registration in medicine, one shall be a member of the board of registration in nursing who is a nurse and a member of the faculty of an approved school for nurses, one shall be a member of said last mentioned board who is a nurse and a member of the faculty of an approved school for attendants and one shall be the commissioner of education, all of said members to be designated by the governor from time to time, and three shall be appointed by the governor, with the advice and consent of the council, each to serve until the expiration of six years from the termination of the term of his predecessor. Said appointive members shall at the time of their appointment be respectively qualified as follows: One shall be a trustee of a charitable hospital having an approved school for nurses or an approved school for attendants, one shall be a qualified physician who shall have been for at least eight years actively engaged in the practice of his profession and

one shall be a superintendent or an assistant superintendent of a hospital having an approved school for nurses or an approved school for attendants.

Revised Ch. 620, Sec. 2, Acts 1941.

Chapter 29
STATE FINANCE

Sect.		Sect.	
3.	Estimates for ordinary maintenance.	14.	Application of appropriations.
4.	Estimates for other purposes.	20.	Payments from appropriations.
5A.	Annual forecasts of probable construction expenditures.	20A.	Relative to public inspection of certain orders and claims.
7.	Estimates for building construction.	21.	Specific approval of expense by governor and council not required.
8.	Procedure when general court authorizes construction.	22.	Payment limited to expense incurred.
8A.	Competitive bidding on state contracts.	23.	Advances from the treasury.
9B.	Fiscal year divided into allotment periods.	25.	Statement in detail to Comptroller.
13.	Unexpended balances of maintenance appropriation.	26.	Expenses not to exceed appropriations.
		27.	Expenses and increases regulated.
		31.	Salaries payable when.

Section 3. (*Estimates for Ordinary Maintenance.*) Every officer having charge of any office, department or undertaking which receives a periodic appropriation from the commonwealth, including periodic appropriations to be met by assessments, shall, in each even-numbered year, on or before September fifteenth, submit to the budget commissioner statements showing in detail the amounts appropriated for the preceding and the current fiscal years, and estimates of the amounts required for ordinary maintenance for each of the two next ensuing fiscal years, with an explanation of any increased appropriations recommended, and with citations of the statutes relating thereto, and statements showing in detail the revenue of the office, department or undertaking in his charge for the last completed fiscal year, and the revenue and estimated revenue thereof for the current fiscal year, and his estimate of the revenue from the same or any additional sources for each of the next two ensuing fiscal years, with his recommendation as to any changes in the management, practices, rules, regulations or laws governing the office, department or undertaking in his charge which would effect an increase or cause a decrease in revenue from operations, fees, taxes or other sources, or which would facilitate its collection, together with any other information required at any time by the budget commissioner. The said estimates shall not include any estimate for any new or special purposes or objects not authorized by statute.

Revised Ch. 502, Sec. 2, Acts 1939.

Section 4. (*Estimates for Other Purposes.*) Officers and heads of departments who, in their annual reports or otherwise, recommend or petition for the expenditure of money by the commonwealth from any source of revenue, including expenditures to be met by assessments or the issue of notes or bonds, for any purpose not covered by the estimates required to be submitted under the preceding section shall, in each even-numbered year, on or before September fifteenth, submit detailed estimates thereof to the budget commissioner, together with any other information required by him.

Revised Ch. 502, Sec. 3, Acts 1939.

Section 5A. (*Annual Forecasts of Probable Annual Construction Expenditures.*) Each department, office and commission responsible for any great amount of physical property shall in each even-numbered year submit with its budget estimates forecasts of probable annual construction expenditures for such period of years as shall be appropriate for such department, office or commission. Such forecasts shall be itemized, and items shall be classified for each year under one of three following classes: "necessary", "desirable" or "contingent". The first class shall include work that is a part of a fixed and continuing program or is unavoidably

necessary. The second class shall include items of work advantageously provided for at that time, but which might be postponed or possibly advanced. The third class shall include work dependent upon some other developments which cannot be definitely predetermined. Such forecasts may be modified from time to time to conform to changing conditions. The budget commissioner may from time to time fix or change the form of the forecasts, the classification of the items contained therein or the period of years to be covered thereby.

Amended Ch. 502, Sec. 5, Acts 1939.
(see also Sec. 16, Ch. 656, Acts 1941).

Section 7. (*Estimates for Building Construction, Etc.*) Estimates for building construction and institutional development filed under section four shall be accompanied by preliminary studies and general specifications sufficient for a careful estimate by a competent contractor, and at least one such estimate of the cost of any new construction, including heating, plumbing, lighting, ventilation and equipment, for alteration or repair of existing construction when such estimate exceeds five thousand dollars. Copies of such preliminary studies and estimates shall be filed in his office by the officer having in charge such construction, alteration, repair or development. Preliminary studies so submitted shall not be changed or amended thereafter in any respect, except with the written approval of such officer, and such changes shall be kept on file distinct from the original studies authorized.

Section 8. (*Procedure When General Court Authorizes Construction.*) The officer in direct charge of such construction, alteration, repair or development, shall obtain working plans and specifications, when so authorized by the general court, shall advertise in a reasonable number of newspapers for proposals for the performance of such work, and shall award the contract to the lowest responsible and eligible bidder; but no contract shall be awarded for a sum in excess of the appropriation available therefor.

Section 8A. (*Competitive Bidding on State Contracts.*) No officer having charge of any office, department or undertaking which receives a periodic appropriation from the commonwealth shall award any contract for the construction, reconstruction, alteration, repair or development at public expense of any building, road, bridge or other physical property if the amount involved therein is one thousand dollars or over, unless a notice inviting proposals therefor shall have been posted, not less than one week prior to the time specified in such notice for the opening of said proposals, in a conspicuous place on or near the premises of such officer, and shall have remained so posted until the time so specified, and, if the amount involved therein is in excess of five thousand dollars, unless such a notice shall also have been published at least once not less than two weeks prior to the time so specified, and at such other times prior thereto, if any, as the commission on administration and finance shall direct, in such newspaper or newspapers and/or trade periodical or periodicals as said commission, having regard to the locality of the work involved in such contract, shall prescribe; provided, that such publication may be omitted, in cases of special emergencies involving the health and safety of the people and their property, upon the written approval of said commission. Proposals for any contract subject to this section shall be in writing and shall be opened in public at a time and place specified in the posted or published notice, and after being so opened shall be open to public inspection. No contract or preliminary plans and specifications shall be split or divided for the purpose of evading the provisions of this section. The provisions of this section shall not apply to any transaction

between the commonwealth and any of its political subdivisions or between the commonwealth and any public service corporation.

Revised Ch. 547, Sec. 1, Acts 1941.

SECTION 9B. (*Fiscal Year Divided Into Allotment Periods.*) Sums made available on and after December first, nineteen hundred and forty-one, by appropriation or otherwise, to executive and administrative offices, departments and undertakings, including offices under the governor and council, but not including the office of the governor or the office of the lieutenant governor, shall be expended only in such amounts as may be allotted as provided in this section. The governor shall from time to time divide each fiscal year into allotment periods of not less than one month nor more than four months. He shall, after requesting a written recommendation from the commission on administration and finance, allot to each such office, department and undertaking the amount which it may expend for each such period out of the sums made available to it by appropriation or otherwise. The officer in charge of each such office, department or undertaking shall submit in advance to the budget commissioner, in such form and at such times as he shall prescribe, a detailed estimate of anticipated expenditures for each such allotment period.

Inserted by Ch. 564, Sec. 1, Acts 1941.

SECTION 13. (*Unexpended Appropriations.*) An unexpended balance of an appropriation for ordinary maintenance of any fiscal year may be applied in the succeeding fiscal year to the payment of expenses incurred during the fiscal year for which the appropriation was made; but any balance then remaining shall revert to the commonwealth.

SECTION 14. (*Application of Appropriations for other than ordinary Maintenance.*) An appropriation for any purpose other than ordinary maintenance, for the first fiscal year of the biennium, shall not be available for more than two years after the effective date of the appropriation act. A like appropriation for the second fiscal year of the biennium shall not be available for more than two years after the beginning of such year. In either case payments to fulfill contracts and other obligations entered into within the said two years may be made thereafter.

Amended Ch. 502, Sec. 11, Acts 1939.

SECTION 20. (*Payments from Appropriations. How authorized.*) No account or demand requiring the certificate of the comptroller or warrant of the governor shall be paid from an appropriation unless it has been authorized and approved by the head of the department or office for which it was contracted; nor shall any appropriation be used for expenses, except gratuities and special allowances by the general court, unless full and properly approved vouchers therefor have been filed with the comptroller.

SECTION 20A. (*Relative to Public inspection of certain orders and claims, etc.*) No order for, or claim for payment for, extra work or materials, furnishings or equipment, in addition to an existing contract for the construction or repair of any structure or of public works of any nature whatsoever or for equipment or furnishings, shall be approved by any official, board, department or commission on behalf of the commonwealth until one week after notice of intention to act upon such order or claim shall have been filed by him or it with the comptroller; provided, that, in the case of any such order estimated to involve a cost of less than one thousand dollars and in the case of any such order necessitated by extreme emergency involving the health or safety of persons or damage to property or to work in progress, notice of the approval of such order may be filed after the work has been commenced or completed, but such notice shall be so filed as soon as practicable, with a brief statement as to the character of the extreme emergency. if any, and in any event such notice shall be filed

before final payment is made on the contract to which the order or claim for extra work or payment relates. The foregoing requirements shall not apply to change in quantities of work or materials covered at unit prices by an item or items in any such original contract, nor to work, other than extra work, for which payment is specifically provided in the contract or specifications. Every notice under this section shall contain the number or other designation of such contract, together with the title and date thereof, and a statement of the amount of the accepted bid and of the estimated total cost based on the bid prices of such contract, and of the total amount of orders or claims previously approved for payment, and of the character and location of work proposed or included under each such order or claim.

Inserted 1937, Ch. 407.

SECTION 21. (*Specific Approval of Office Expenses, etc.*) When the law provides that expenses of a state officer, department or division thereof shall be subject to the approval of the governor and council, specific approval of the governor and council shall not be required for the office expenses thereof.

SECTION 22. (*Payments limited to expense incurred, etc.*) Except as otherwise expressly provided, no greater sum from an appropriation shall be drawn from the treasury at any one time than is necessary to meet expenses then incurred.

SECTION 23. (*Advances from the Treasury.*) Any officer suthorized to expend money in behalf of the commonwealth may have money advanced to him from the treasury for such purposes, in such sums and subject to such rules and regulations as the comptroller may determine.

SECTION 25. (*Statement in Detail to Comptroller.*) Such officers shall, within thirty days after receipt of an advance, file with the comptroller a detailed statement of the amounts expended subsequent to the previous accounting, approved by the officer or department authorized to supervise such expenditure, with vouchers therefor if they can be obtained. All advances so made shall be accounted for and vouchers therefor filed with the comptroller before the close of the fiscal year.

Amended 1941, Ch. 656, Sec. 7.

SECTION 26. (*Expenses not to exceed Appropriations.*) Expenses of offices and departments for compensation of officers, members and employees and for other purposes shall not exceed the appropriations made therefor by the general court. No obligation incurred by any officer or servant of the commonwealth for any purpose in excess of the appropriation for such purpose for the office, department or institution which he represents, shall impose any liability upon the commonwealth. If expenditures are made in excess of appropriations, the officer having charge of such expenditures shall, within fifteen days following the close of each fiscal year ending in an even numbered year, report to the comptroller the details thereof with the reasons therefor, and he shall make a special report of the same to the general court early in its next regular session.

Amended Ch. 656, Sec. 8, Acts 1941.

SECTION 27. (*Expenses and Increases Regulated.*) Notwithstanding any other provision of general law, no officer or board shall incur a new or unusual expense, make a permanent contract, increase a salary or employ a new clerk, assistant or other subordinate, unless a sufficient appropriation to cover the expense thereof has been made by the general court.

Amended, Ch. 656, Sec. 9, Acts 1941.

SECTION 31. (*Salaries Payable When.*) Salaries payable by the commonwealth shall, unless otherwise provided, be paid on the first day of each month, and shall be in full for all services rendered to the commonwealth by the persons to whom they are paid. Advances on account of salaries may be made under such regulations as the state treasurer may prescribe, not exceeding the proportion of salary then due, nor oftener than once in seven days nor after the twenty-fifth day of the month. No salary shall be paid to any person for a longer period than that during which he has been actually employed in the duties of his office. If a salary shall be diminished, no greater rate shall be paid because of any previous appropriation therefor. Notwithstanding the foregoing provisions of this section, the annual salary of each teacher and each supervisor employed in any school or college within the department of education, whose regular service is rendered from September first to June thirtieth, shall be for his service for the number of weeks established by the department for such school to be in session during said period, payable, however, in equal instalments on the first day of each month, and the amount earned and unpaid at the time of his resignation, retirement, death or entry on leave of absence shall be paid forthwith to the persons entitled thereto, and advances of pay may be made to any state officer or employee in advance of his regular vacation to the extent of the equivalent of one half of the pay to which he is about to become entitled during such vacation period under such regulations as the state treasurer may prescribe.

Amended Ch. 508, Acts 1941.

CHAPTER 30

GENERAL PROVISIONS AS TO STATE OFFICERS, ETC.

SECT.		SECT.	
3.	General Provisions, Officers and Employees.	33A.	To contain recommendations for avoidance of special legislation.
6.	Heads of Departments may designate Person to perform duties, etc.	36.	Marking and record of State Motor Vehicles.
6A.	Designation of Persons to perform Certain Duties, etc.	44.	Officer or employee not to act as agent in sale of land.
24.	Office hours of departments.	44A.	Sale, conveyance of land owned by commonwealth.
28.	Books and Accounts to be kept, etc.	44B.	Pipe lines on State owned property regulated.
32.	Annual Reports.	50.	Limit of application of certain sections re laborers, workmen and mechanics.
32A.	Rules, Regulations, etc.		
33.	Recommendations to be accompanied by drafts of legislation.		

SECTION 3. (*General Provisions, Officers and Employees.*) In all cases where the executive and administrative head of a department is vested with authority to establish therein divisions not specifically provided for by law, the establishment of such divisions shall be subject to the approval of the governor and council.

SECTION 6. If during the absence or disability of a commissioner or head of an executive or administrative department or of a director or head of a division in a department, his duties are not specially authorized by law to be performed by another person, the commissioner or head of such department may designate another person in his department to perform the duties of such person in case of and during such absence or disability, but a person so designated shall have no authority to make permanent appointments or removals. Every such designation shall be subject to approval by the governor and council, and shall remain in force and effect until revoked by the commissioner or head of such department or by the governor and council.

SECTION 6A. If any member of a permanent state board or commission who serves as such by virtue of holding any other office or position is unable by reason of absence or disability to perform his duties as such member, he may, by a writing filed in the office of such board or commission, desig-

nate an officer or employee in his department who shall, without additional compensation therefor, perform such duties in case of and during such absence or disability, but a person so designated shall have no authority to make any appointments or removals. Any such designation may in like manner be revoked at any time.

SECTION 24. (*Office Hours of Department.*) The offices of all the departments of the state government shall be open to the public for the transaction of business daily, on days other than Sundays and legal holidays, from nine o'clock in the forenoon until five o'clock in the afternoon, except that on Saturdays beginning with the second Saturday in September and ending with the next to the last Saturday in May they may be closed at twelve o'clock noon and that on Saturdays beginning with the last Saturday in May and ending with the first Saturday in September they may be closed all day. When the day or the last day for the performance of any act, including the making of any payment or tender of payment, authorized or required to be performed at the office of any such department falls on a Saturday when such office is closed under authority of this section, the act may be performed on the next succeeding business day.

Revised Acts 1937, Ch. 430.

SECTION 28. (*Books and Accounts to be Kept, etc.*) All books and accounts of all offices, departments, boards, commissions and institutions of the commonwealth shall be kept by the fiscal year established for them, respectively, by clause ninth of section seven of chapter four.

SECTION 32. (*Annual Reports.*) All annual reports required by law to be made by state officers and departments or heads thereof shall, except as otherwise expressly provided, cover the preceding fiscal year, shall include a complete list of all rules and regulations made or promulgated by such officers, departments and heads thereof and in force and effective upon the date as of which such reports are made, and, except for facts or information specifically required by law, shall be a brief summary of the said year's work, together with recommendations for the succeeding fiscal year. All such reports shall, except as otherwise expressly provided, be deposited with the state secretary between the end of the fiscal year for which they are made and the second Wednesday in the following January, and in each odd-numbered year shall be transmitted by him to the general court on or before the third Wednesday in January.

Revised Acts 1939, Ch. 499, Sec. 4.

SECTION 32A. (*Rules, Regulations, Etc.*) Every rule and regulation made or promulgated by such an officer, department or head thereof and purportedly made under authority of law and included in the annual report as required by section thirty-two, shall, if not inconsistent with law and not rescinded or repealed by such officer or head thereof prior to the convening of the regular biennial session of the next general court or annulled by such general court prior to the expiration of sixty days subsequent to such convening, remain in full force and effect until so rescinded or repealed. For the purpose of this and the preceding section, any change or alteration in such a rule or regulation shall be considered as a new rule or regulation.

Inserted Ch. 499, Sec. 4A, Acts 1939.

SECTION 33. (*Recommendations to be Accompanied by Drafts of Legislation, etc.*) State officers and departments and heads thereof, except the commission on administration and finance, may include in an annual report made by them for a fiscal year ending in an even-numbered year recommendations or suggestions for legislative action, other than requests for appropriations or any matters required to be covered by budget esti-

mates submitted to the budget commissioner under section three or four of chapter twenty-nine. Such recommendations or suggestions shall be deposited with the state secretary on or before the first Wednesday in December next after the end of such fiscal year and shall be transmitted by him to the general court forthwith. They shall be accompanied by drafts of bills embodying the legislation recommended or suggested, and such drafts of bills shall, seasonably before being deposited with the state secretary, be submitted to the counsel to the senate or counsel to the house of representatives for advice and assistance as to the form thereof.

Amended Ch. 499, Sec. 5, Acts 1939.

SECTION 33A. (*Recommendations for Avoidance of Special Legislation.*) If, in the opinion of a state officer or department required to submit annual reports, the necessity of enacting special bills in relation to any particular subject of legislation may, without detriment to the public interest, be avoided in whole or in part by the enactment of general legislation, such officer or department shall submit from time to time in any such report made for a fiscal year ending in an even-numbered year recommendations for such changes in or additions to the General Laws as will accomplish said purpose.

Amended Ch. 499, Sec. 6, Acts 1939.

SECTION 36. (*Marking and Record of State Motor Vehicles.*) Every motor vehicle purchased by the commonwealth shall be marked on a part of the vehicle not readily removable, and in a conspicuous place, with the words in plain letters "Commonwealth of Massachusetts", or in such other manner as may be approved by the state purchasing agent. He may make rules and regulations governing the marking of such motor vehicles, and any appointed official who fails to comply with an order, rule or regulation made under authority hereof may be removed by the governor, with the advice and consent of the council. Every officer, department, board, commission or institution of the commonwealth operating any such motor vehicle shall keep such a record of the use of such vehicle, and shall make such reports in relation thereto, as may be prescribed by the comptroller. The registrar of motor vehicles shall furnish for each such motor vehicle a distinctive number plate bearing such arrangement of letters or numbers, or both, as will distinguish the particular vehicle, and the officer, department, board, commission or institution by which the vehicle is operated, and at the expense thereof.

SECTION 44. (*Officers or Employee not to Act as Agent in Sale of Land to Commonwealth.*) No officer or employee of the commonwealth shall act as agent or attorney of any person in a sale or conveyance of land to the commonwealth. Whoever violates any provision of this section shall be punished by a fine of not more than one thousand dollars and shall be disqualified for employment in any state department.

SECTION 44A. (*Sale, Conveyance, etc. of Land Owned by Commonwealth, etc.*) A commissioner or head of a state department having control of any land of the commonwealth may, in the name of the commonwealth and subject to the approval of the governor and council, sell and convey to any county, city or town, or transfer to the control of another state department, so much of such land as may be necessary for the laying out or relocation of any highway.

SECTION 44B. (*Pipe Lines, etc. on State Owned Property Regulated.*) A commissioner or head of a state department having control of any land, water, park, reservation, boulevard, parkway or highway of the commonwealth or of any metropolitan district may, in the name of the common-

wealth, subject to such terms and conditions as he may deem advisable and subject also to such rules and regulations as may be promulgated by the department of public safety, grant to any person the right to lay, construct, maintain and operate pipe lines for conveying petroleum or the products or by-products thereof through, over, across or under such land, water, park, reservation, boulevard, parkway or highway, and in connection therewith may grant permission to any such person to dig up, open or tunnel under such land, water, park, reservation, boulevard, parkway or highway.

Inserted by Ch. 678, Sec. 1, Acts 1941.

SECTION 50. (*Limit of Application of Certain Preceding Sections Re Laborers, Workmen and Mechanics.*) For the purposes of the classification authorized by section forty-five the words laborers, workmen and mechanics shall have the same meaning as in sections thirty to thirty-six, inclusive, of chapter one hundred and forty-nine; and sections forty-five to forty-nine, inclusive, of this chapter shall not be construed as placing state employees outside the civil service laws, rules and regulations, nor shall the classification aforesaid take predecence over any rulings of the division of inspections of the department of public safety, of the board of boiler rules of said department, or of the state examiners of electricians, regarding the construction, care and operation of boilers, engines and other apparatus which may be under the charge of such laborers, workmen and mechanics.

CHAPTER 31
CIVIL SERVICE

SECT.
2A. Restricting examinations in certain cases to male or female persons.
3. Rules.
4. Par. 2. Steam boilers, persons in charge of, within classified service.
Par. 4. Certain employees of State Farm, Civil Service.
15. Appointment, promotion, etc.
19. Citizens to have preference.
21. Extending the benefits of Veterans' Preference under Civil Service.
22. Employment of Veterans without examination.
23. Preference for Veterans.
24. Veterans in Labor Service.
25. Provisional appointment of Veterans.
27. Reinstatement after military service.
28. Restoration of names to Eligible List after such service.
36. Provisional appointment of alien to terminate, etc.
37. Enforcement of dismissal of alien.
38. Enforcement of law and rules.
40. Director to certify laborer or mechanic for foreman.
41. Qualifications of inspectors of masonry.
42. Appointment of treasurers and stewards of state institutions.
45. Judicial review of certain removals.
45A. Judicial review.
45B. Reports of certain petitions by clerks of district courts.
46E. Re separation from civil service of persons formerly receiving workmen's compensation.

References only. Laws not included here.

Chapter 32
STATE RETIREMENT SYSTEM
Sections of General Laws Relating to the Retirement System for Employees of the Commonwealth, etc.

Sect.
1. Definitions.
2. Membership.
2A. Reinstatement.
3. Creditable service.
4. Superannuation retirement.
4A. Retirement with spouse.
4B. Computation of regular compensation.
4C. Ordinary disability retirement.
4D. Accidental disability retirement.
4E. Re-examination of beneficiaries retired on account of disability.
4F. Accidental Death Benefits.
4G. Annuity options.
4H. Compensation benefits offset.
4I. Coverage under sections 4D and 4F for injuries received prior to June 30, 1938, and deaths resulting therefrom.
5. Administration.
5A. Method of financing.

GENERAL PROVISIONS

32. Certificates of membership. Policies.
34. Supervision by commissioner of insurance.
35. Violations of state or teachers' retirement law or rules.
37. Exemption from taxation, attachments and assignments.
37A. Protection Against fraud.
37B. Amendment or repeal.
37C. Right of review.
37D. Transfer from system to system.

Sect.
37E. (2) Contributory retirement allowance to be not less than non-contributory pension in certain cases.
(3) Payment of only one pension.
37F. Employment in another governmental unit of a retired employee prohibited.
37G. Other retirement systems excluded.
38. Jurisdiction of superior court.
38A. Meaning of words "head of department" and other words as used in sections 32 to 38, inclusive.

VETERANS' RETIREMENT

56. If incapacitated.
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58. Retirement after 30 years' service.
59. Retiring authority defined.
60. Acceptance of four preceding sections.

Sect.

MISCELLANEOUS SECTIONS OF CHAPTER 32

71. Annuities to dependents of metropolitan police officers.
89. Annuities to dependents of certain state, municipal and metropolitan district employees.
91. Pensioners not to be paid for services.
92. Pledge, mortgage, sale, etc., of pensions, etc., from public funds to be void.
93. Chapter 350, 1919, not to affect pensions.

References only. Laws not included here.

Chapter 33
MILITIA

Section 67. (*No Loss of Pay or Vacations to Certain State and Municipal Employees in Militia, etc.*) Any person in the service of the commonwealth, or of a county, city or town thereof which, by vote of its county commissioners or city council or of its inhabitants at a town meeting, accepts this section, shall be entitled, during the time of his service in the organized militia, under sections seventeen, twenty-five, twenty-six, one hundred and twenty-three and one hundred and eighty-one, or during his annual tour of duty, not exceeding fifteen days, as a member of the organized reserve of the army of the United States or of the United States naval reserve forces, to receive pay therefor, without loss of his ordinary remuneration as an employee or official of the commonwealth or such county, city or town, and shall also be entitled to the same leaves of absence or vacation with pay given to other like employees or officials.

Amended Ch. 205, Acts 1935.

Chapter 46
DEATHS

Sect.
9. Physician or officer to give Death Certificate.

Sect.
10. Physician or Officer to State Causes of Death of Soldier or Sailor.

Section 9. (*Physician or Officer to give death certificate.*) A physician or registered hospital medical officer shall forthwith, after the death of a person whom he has attended during his last illness, at the request of an undertaker or other authorized person or of any member of the family of the deceased, furnish for registration a standard certificate of death, stating to the best of his knowledge and belief the name of the

deceased, his supposed age, the disease of which he died, defined as required by section one, where same was contracted, the duration of his last illness, when last seen alive by the physician or officer and the date of his death. A physician or officer attending at the birth of a child dying immediately thereafter, or a physician or officer attending at the birth of a child born dead, shall forthwith furnish for registration a certificate, stating that to the best of his knowledge and belief such child either died immediately after birth or was born dead. Both the birth and death of such child shall be recorded and, if it was born dead, the word "stillborn", shall be entered in both the record of birth and death. A stillborn child shall be deemed to be a foetus born after a period of gestation of not less than five months, in which foetus there is no attempt at respiration, no action of heart and no movement of voluntary muscle. A physician or any such officer neglecting or refusing to make such certificate or making a false statement therein shall forfeit not more than fifty dollars.

Amended Ch. 100, Acts 1936.

SECTION 10. (*Deaths.*) *Physician or Officer to State Causes of Death of Soldier or Sailor.*) A physician or officer furnishing a certificate of death as required by the preceding section or by section forty-five of chapter one hundred and fourteen, shall, if the deceased, to the best of his knowledge and belief, served in the army, navy or marine corps of the United States in any war in which it has been engaged, insert in the certificate a recital to that effect, specifying the war, and shall also certify in such certificate both the primary and the secondary or immediate cause of death as nearly as he can state the same. For neglect to comply with any provision of this section, such physician or officer shall forfeit ten dollars. For the purposes of this section and of sections forty-five, forty-six and forty-seven of said chapter one hundred and fourteen, the word "war" shall include the China relief expedition and the Philippine insurrection, which shall, for said purposes, be deemed to have taken place between February fourteenth, eighteen hundred and ninety-eight and July fourth, nineteen hundred and two, and the Mexican border service of nineteen hundred and sixteen and nineteen hundred and seventeen.

CHAPTER 59
ASSESSMENT OF LOCAL TAXES

SECTION 5 (3). (*Tax Exemptions.*) (*Of Certain Institutions and Corporations.*) The following property and polls shall be exempt from taxation:

Personal property of literary, benevolent, charitable and scientific institutions and of temperance societies incorporated in the commonwealth, the real estate owned and occupied by them and their officers for the purposes for which they are incorporated, and real estate purchased by them with the purpose of removal thereto, until such removal, but not for more than two years after such purchase, except as follows:

(a) If any of the income or profits of the business of the institution or corporation is divided among the stockholders or members, or is used or appropriated for other than literary, educational, benevolent, charitable, scientific or religious purposes, its property shall not be exempt.

(b) A corporation coming within the foregoing description shall not be exempt for any year in which it wilfully omits to bring in to the assessors the list and statement required by section twenty-nine.

(c) Real or personal property of such an institution or corporation, occupied or used wholly or partly as or for an insane asylum, insane hospital, or institution for the insane or principally for the treatment of mental diseases or mental disorders, shall not be exempt unless at least one fourth of all property so occupied or used, wholly or partly, on the basis of valu-

ation thereof, and one fourth of the income of all trust and other funds and property held for the benefit of such asylum, hospital or institution and not actually occupied or used by it for such purposes, is used and expended entirely for the treatment, board, lodging or other direct benefit of indigent insane persons, or indigent persons in need of treatment for mental diseases, as resident patients, without any charge therefor to such persons either directly or indirectly, except that such a benevolent or charitable institution or corporation conducting an insane asylum, insane hospital or institution for the insane to which persons adjudged insane by due process of law may be committed shall be exempt from taxation on personal property and buildings so occupied or used, but shall be subject to taxation on the fair cash value of the land owned by it and used for the purposes of such asylum, hospital or institution.

Ch. 198, Sec. 1, Acts 1933.

(d) Real estate acquired after May fourth, 1911, by any association or private corporation formed or incorporated for the care of the insane, shall not be exempt under the preceding paragraph unless the city council of the city, or the inhabitants of the town, in which it is situated, have by vote lawfully taken consented to the acquisition of such real estate, to be so exempt.

Chapter 66
PUBLIC RECORDS

Sect.
3. Public Records defined.
4. Certain Appliances forbidden.
Sect.
10. Records Open for Public Inspection.

Section 3. (*Public Records, defined.*) (*Record made by Photographic Process, etc.*) The word "record" in this chapter shall mean any written or printed book or paper, or any photograph, microphotograph, map or plan. All written or printed public records shall be entered or recorded on paper made of linen rags and new cotton clippings, well sized with animal sizing and well finished, and preference shall be given to paper of American manufacture marked in water line with the name of the manufacturer. All photographs, microphotographs, maps and plans which are public records shall be made of materials approved by the supervisor of records. Public records may be made by handwriting, or by type writing, or in print, or by the photographic process, or by the microphotographic process, or by any combination of the same. When the photographic or microphotographic process is used, the recording officer, in all instances where the photographic print or microphotographic film is illegible or indistinct, may make, in addition to said photographic or microphotographic record, a typewritten copy of the instrument, which copy shall be filed in a book kept for the purpose. In every such instance the recording officer shall cause cross references to be made between said photographic or microphotographic record and said typewritten record. If in the judgment of the recording officer an instrument offered for record is so illegible that a photographic or microphotographic record thereof would not be sufficiently legible, he may, in addition to the making of such record, retain the original in his custody, in which case a photographic or other attested copy thereof shall be given to the person offering the same for record, or to such person as he may designate.

Subject to the provisions of sections one and nine, a recording officer adopting a system which includes the photographic process or the microphotographic process shall thereafter cause all records made by either of said processes to be inspected at least once in every three years, correct any fading or otherwise faulty records and make report of such inspection and correction to the supervisor of records.

Amended Ch. 622, Acts 1941.

SECTION 4. (*Public Records.*) (*Certain Appliances Forbidden.*) No ink shall be used upon any public record except ink furnished by the supervisor of records, and no ribbon, pad or other device used for printing by typewriting machines, or stamping pad, or any ink contained in such ribbon, pad, device or stamping pad, shall be used upon any public record, nor shall any photographic machine or device or chemical used in connection therewith be used in making any public record, except such as has been approved by the supervisor of records, who may cancel his approval if he finds that any article so approved is inferior to the standard established by him. Whoever violates this section shall be punished by a fine of not more than fifty dollars.

SECTION 10. (*Records Open for Public Inspection, etc.*) Every person having custody of any public records shall, at reasonable times, permit them to be inspected and examined by any person under his supervision, and shall furnish copies thereof on payment of a reasonable fee. In towns such inspection and furnishing of copies may be regulated by ordinance or by-law.

CHAPTER 69
DEPARTMENT OF EDUCATION

SECT.
7. University Extension and Correspondence Courses.
19. Registration of the blind.
19A. Blind, examination at clinic, hospital, etc.
25. Articles produced by the blind to be used in public institutions.

SECTION 7. (*Department of Education.*) (*Extension and Correspondence Courses, State Hospitals, etc.*) The department may cooperate with existing institutions of learning in the establishment and conduct of university extension and correspondence courses; may supervise the administration of all such courses supported in whole or in part by the commonwealth; and also, where deemed advisable, may establish and conduct such courses for the benefit of residents of the commonwealth and, provided that the fees charged exceed the cost of service, may enroll in correspondence courses such non-residents as are approved by the department. The department may offer correspondence courses, free of charge, to inmates of county and state hospitals and sanatoria, municipal sanatoria and tuberculosis divisions and tuberculosis wards of municipal hospitals, county and state correctional institutions, the Tewksbury state hospital and infirmary, and federal hospitals situated within the commonwealth, and to veterans, as such term is defined in section twenty-one of chapter thirty-one, who come within the class referred to as disabled veterans in section twenty-three of said chapter thirty-one, and may permit university extension courses to be taken, free of charge, by such veterans, and also by blind persons who have resided in the commonwealth at least one year immediately prior to the taking of such courses. The department may also furnish correspondence courses, free of charge, to former inmates of any of said county or state hospitals or sanatoria, municipal sanatoria and tuberculosis divisions and tuberculosis wards of municipal hospitals, for a period of one year immediately following their discharge therefrom; provided, that such courses shall be furnished only for the purpose of completing correspondence courses in which said former inmates had enrolled prior to their discharge. It may, in accordance with rules and regulations established by it, grant to students satisfactorily completing such courses suitable certificates.

Amended Ch. 403, Acts 1943.

SECTION 19. (*Registration of the blind.*) He shall maintain a register of the blind in the commonwealth, which shall describe their condition, cause of blindness and capacity for education and industrial training

The city clerk of each city and the selectmen of each town shall aid him by furnishing the names and addresses of all known blind persons residing within such city or town. The department of public welfare and boards of public welfare shall aid the director by reporting whenever outdoor or indoor aid is granted to families in which there is a blind member, and the director shall report in turn to the said department and the said board any activity on his part in relation to blind persons who or whose families are known to be receiving or to have received public outdoor or indoor aid.

Amended Ch. 89, Acts 1943.

SECTION 19A. (*Blind, Re Examination at Clinic, Hospital, etc.*) Whenever, upon examination at a clinic, hospital or other institution, or elsewhere, by a physician or optometrist, the visual acuity of any person is found to be with correction 20/200 or less in the better eye, or the peripheral field of his vision to have contracted to the ten degree radius or less regardless of visual acuity, the superintendent of such institution, or the physician, optometrist or other person who conducted or was in charge of the examination if it took place elsewhere than in such an institution, shall within thirty days report to the director the result of the examination and that blindness of the person examined has been established.

Amended Ch. 89, Acts 1943.

SECTION 25. (*Articles produced by the blind to be used in public institutions.*) The state purchasing agent, such officers in charge of state institutions as may be authorized by him to make purchases and officers in charge of other public institutions shall purchase brooms, mops and other supplies, other than products of prison labor, from the division of the blind; provided, that the division has the same for sale and that they were produced by persons under the supervision of the division or in industrial schools or workshops under its supervision. Said purchasing agent and officers shall, when employing persons for piano tuning, cane seating or mattress renovating, employ persons who are under the supervision of said division or who work in any such industrial school or workshop. Any officer who wilfully refuses or neglects to comply with any requirement of this section relative to the purchase of articles and employment of persons shall be punished by a fine of not more than one hundred dollars. The term "public institutions", as used in this section, shall include all offices, departments and institutions of the several counties, cities and towns. The director of said division may issue a release from the provisions of this section, upon the request of the purchasing officer of a county, city or town, when convenience or emergency requires it.

Revised Ch. 397, Acts 1935.

CHAPTER 71
PUBLIC SCHOOLS

SECTION 46. (*Mentally retarded children.*) The school committee of every town shall annually ascertain, under regulations prescribed by the department and the department of mental health, the number of children three years or more retarded in mental development in attendance upon its public schools, or of school age and resident therein. At the beginning of each school year, the committee of every town where there are ten or more such children shall establish special classes for their instruction according to their mental attainments, under regulations prescribed by the department. A child appearing to be mentally retarded in any less degree may, upon request of the superintendent of schools of the town where he attends school, be examined under such regulations as may be prescribed by the department and the department of mental health. No

child under the control of the department of public welfare or of the child welfare division of the institutions department of the city of Boston, who is three years or more retarded in mental development within the meaning of this section, shall, after complaint made by the school committee to the department of public welfare or said division, be placed in a town which is not required to maintain a special class as provided for in this section.

Amended Ch. 194, Sec. 4, Acts 1941.

Chapter 94

INSPECTION AND SALE OF FOOD, MILK AND CREAM

Section 48B. (*Milk Consumption.*) (*State Instructed not to use Milk Produced outside the Commonwealth.*) No institution supported in whole or in part by funds of the commonwealth shall use for its daily needs milk produced elsewhere than within the commonwealth; provided, that if at any time the supply of milk so produced is insufficient for the needs of such institution, or does not conform to the required standard for such milk, such institution, while and to the extent only that such emergency exists, may use milk not produced within the commonwealth. This section shall not spply to cream or to certified milk.

Amended Ch. 259, Acts 1935.

Chapter 94A

MILK CONTROL

Section 22. (*Re Enforcement of State Milk Control Law.*) Whoever violates any provision of this chapter or of any effective rule, regulation or order of the board made under this chapter or adopted by the former milk control board under any similar provision of earlier law, except as herein otherwise expressly provided, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one year, or both, and such fine may be imposed for each day during which such violation shall continue. A violation of any provision of this chapter or of any effective rule, regulation or order so made or adopted may be reported by any person to the director, who shall investigate such complaint and may institute such action at law or in equity in any court of competent jurisdiction as may be necessary to enforce compliance with any provision of this chapter or of any effective rule, regulation or order so made or adopted, and, in addition to any other remedy, may seek relief by injunction, if in the opinion of the board it is necessary to protect the public interest, without being compelled to allege or prove that an adequate remedy at law does not exist.

Amended Ch. 164, Acts 1943.

Chapter 111

PUBLIC HEALTH

Sect.		Sect.	
5A.	Permitting department to cooperate in National Defense Program.	107.	Transportation of Infected Dead Bodies regulated.
14.	To furnish remedies for Opthalmia Neonatorum.	111.	Physicians to report names of persons infected with certain diseases.
31A.	Removal of Garbage, etc. regulated.	119.	Records, etc., of Venereal Diseases not Public Records. Penalty.
70.	Hospital Record Inspection.		

Section 5A. (*Public Health.*) (*Permitting Department to cooperate in National Defense Program.*) The department with the approval of the commission on administration and finance, may, for the purpose of aiding in national defense in case of war or in any national emergency declared by the president, prepare and distribute without as well as within the commonwealth, and sell or give away, in its discretion, antitoxins, serums,

vaccines, viruses and analogous products applicable to the prevention or cure of diseases of man, for the use of the armed forces of the United States or in civilian defense work. This section shall not curtail any powers or duties of the department under section five.

Amended Acts 1941, Ch. 612.

SECTION 14. (*To furnish remedies for Ophthalmia neonatorum.*) It shall furnish, free of cost, to registered physicians such prophylactic remedies as it may deem best for the prevention of ophthalmia neona torum.

SECTION 31A. (*Removal of Garbage, etc., regulated.*) No person shall remove or transport garbage, offal or other offensive substances through the streets of any city or town without first obtaining a permit from the board of health of such city or town. An application for such permit shall be in such form and contain such information, on oath, as such board shall require. All such permits shall expire at the end of the calendar year in which they are issued, but may be renewed annually on application as herein provided. No permit shall be transferred except with the approval of the said board.

Amended Acts 1937, Ch. 282.

SECTION 70. (*Hospital Record Inspection.*) Hospitals supported in whole or in part by contributions from the commonwealth or from any town, incorporated hospitals offering treatment to patients free of charge, and incorporated hospitals conducted as public charities shall keep records of the treatment of the cases under their care and the medical history of the same. Such records may be made in handwriting, or in print, or by typewriting, or by the photographic or micro-photographic process, or by any combination of the same. Whenever pre-existing hospital records shall have been photographed or micro-photographed and the photographs or micro-photographs shall have been duly indexed and filed by the hospital, the person in charge of the hospital, upon notifying in writing the supervisor of public records referred to in chapter sixty-six, may destroy the original records so photographed or micro-photographed, and such photographs or micro-photographs shall have the same force and effect as the original records from which they were made. Such records and similar records kept prior to April twenty-fifth, nineteen hundred and five, shall be in the custody of the person in charge of the hospital. Section ten of chapter sixty-six shall not apply to such records; provided, that upon proper judicial order, whether in connection with pending judicial proceedings or otherwise, or, except in the case of records of hospitals under the control of the department of mental health, upon order of the head of the state department having supervision of such hospital, and in compliance with the terms of said order, such records may be inspected and copies furnished on payment of a reasonable fee.

Amended Acts 1941, Ch. 194, Sec. 5 and by Ch. 389, Sec. 1.

SECTION 107. (*Transportation of infected dead bodies regulated.*) No person shall convey or caused to be conveyed through or from any town in the commonwealth the body of any person who has died from any disease dangerous to the public health, except in accordance with such rules and regulations as may be made from time to time by the department. No town clerk, or clerk or agent of the board of health, shall give a permit for the removal of such a body until he has received from the board of health of the town where the death occurred a certificate stating the cause of death, and that said body has been prepared so as to preclude danger of contagion or infection by its transportation. The certificate shall be delivered to the agent or person receiving the body. The department shall formulate such rules and regulations pertaining to funerals of all persons

dying from any disease dangerous to the public health as it deems necessary to prevent the spread of infection. Whoever violates any provision of this section or any rule or regulation made hereunder shall forfeit not more than twenty-five dollars.

Amended Acts 1938, Ch. 265, Sec. 12.

SECTION 111. (*Physicians to report names of persons infected with certain diseases.*) If a physician knows or has cause to believe that a person whom he visits is infected with a disease dangerous to the public health, or if either eye of an infant whom or whose mother a physician, or a hospital medical officer registered under section nine of chapter one hundred and twelve, visits, becomes inflamed, swollen or red, or shows an unnatural discharge within two weeks after birth, he shall immediately give written notice thereof, signed by him, to the board of health of the town where the patient is being attended by him. If the board of health which receives such written notice is the board of health of a town other than that wherein the patient dwells, it shall, immediately upon receipt of such notice, send a copy thereof to the board of health of the town wherein the patient dwells; and, in addition thereto, the board of health which receives such written notice, whether or not it is the board of health of the town wherein the patient dwells, shall send a copy thereof to the board of health of the town in which the patient is known to have contracted such disease and to the board of health of each town in which he is known to have exposed any person to such disease. If a physician or such a hospital medical officer refuses or neglects to give the notice required by this section he shall be punished by a fine of not less than fifty nor more than two hundred dollars.

The foregoing provisions of this section and the provisions of section one hundred and nine shall not apply to gonorrhea and syphilis, except in the case of eye infections in infants under two weeks of age. Any person having either of said diseases shall be reported to local boards of health either directly or through the department, in accordance with such special rules and regulations as the department may make, having due regard for the best interests of the public.

Amended Acts 1938, Ch. 265, Sec. 14.

SECTION 119. (*Records, etc., of venereal diseases not public records. Penalty.*) Hospital, dispensary, laboratory and morbidity reports and records pertaining to gonorrhoea or syphilis shall not be public records, and the contents thereof shall not be divulged by any person having charge of or access to the same, except upon proper judicial order or to a person whose official duties, in the opinion of the commissioner, entitle him to receive information contained therein. Violations of this section shall for the first offence be punished by a fine of not more than fifty dollars, and for a subsequent offence by a fine of not more than one hundred dollars.

CHAPTER 112
GENERAL LAWS
REGISTRATION PHYSICIANS, NURSES, ETC.

SECT.		SECT.	
8.	Registration of Physicians and Surgeons.	26.	Exhibit of Certificate.
9.	Limited Registration.	45A.	Examination and Registration of Dental Internes
9A.	Registration of Students for Limited Practice of Medicine.	74.	Registration of Nurses and Attendants.

SECTION 8. (*Registration of Physicians and Surgeons.*) No person shall enter upon, or continue in, the practice of medicine within the commonwealth until he has presented to the clerk of the town where he has, or intends to have, an office or his usual place of business, his cer-

tificate of registration as a physician in the commonwealth, or, if it is lost, a certified statement issued by the board, setting forth all the material facts in the original certificate, and a fee of twenty-five cents. Thereupon the clerk shall record the name of the owner of said certificate or certified statement, together with the date of record, upon blanks approved by the board, said blanks to be so arranged that a duplicate carbon copy shall be made at the time of the original record. He shall keep the original as a part of his official records and it shall be open to public inspection. He shall, within twenty-four hours after such recording, forward the duplicate to the board. Whoever practices or attempts to practice medicine without complying with this section, or whoever submits to a town clerk a false or fraudulent certificate or certified statement, shall be punished by a fine of not less than five nor more than one hundred dollars; and any town clerk who refuses or neglects to comply with this section shall be punished by a fine of not less than five nor more than ten dollars.

SECTION 9. (*Limited Registration.*) An applicant for limited registration under this section who shall furnish the board with satisfactory proof that he is twenty-one or over and of good moral character, that he has creditably completed not less than three and one half years of study in a legally chartered medical school having the power to grant degrees in medicine, and that he has been appointed an interne or medical officer in a hospital or other institution maintained by the commonwealth, or by a county or municipality thereof, or in a hospital incorporated under the laws of the commonwealth may, upon the payment of five dollars, be registered by the board as a hospital medical officer for such time as it may prescribe; but such limited registration shall entitle the said applicant to practice medicine only in the hospital or other institution designated on his certificate of limited registration, or outside such hospital or other institution for the treatment, under the supervision of one of its medical officers who is a duly registered physician, of persons accepted by it as patients, and in either case under regulations established by such hospital or other institution. Limited registration under this section may be revoked at any time by the board.

Amended Acts 1933, Ch. 152.

SECTION 9A. (*Registration of Students for Limited Practice of Medicine.*) An applicant for limited registration under this section as an assistant in medicine who shall furnish the board with satisfactory proof that he is twenty-one years of age or over and of good moral character, that he is enrolled in and has creditably completed not less than two years of study in a legally chartered medical school having the power to grant degrees in medicine, and that he has been assigned to the care and observation of persons requiring medical service by an instructor in said medical school, which instructor shall be a registered physician, may, upon the payment of one dollar, be registered by the board as an assistant in medicine for such time as it may prescribe. Such registered assistant in medicine may practice medicine as authorized by this section, but only under the supervision of such instructor; he may, however, be assigned by such instructor to a hospital, recognized and approved by such instructor, of not less than twenty-five beds, and may practice medicine as aforesaid in said hospital, but only under the supervision of a registered physician who has been duly appointed a staff physician in said hospital. Registration under this section shall not authorize the signing of certificates of births or deaths, or the use of any instruments whatsoever in the treatment of any cases, except instruments normally used for the purpose of diagnosis and then for such purpose only; nor shall it authorize the prescribing or dispensing of any narcotic drug as defined in section one hundred and ninety-seven

of chapter ninety-four. Registration under this section may be revoked at any time by the board, and shall be revoked upon the request of the dean of the medical school in which such assistant in medicine is enrolled. Termination of such enrollment shall operate as a revocation of such registration.

SECTION 26. (*Exhibit of Certificate.*) Every person receiving a certificate of registration from the board shall conspicuously display the same in his place of business.

SECTION 45A. (*Examination and Registration of Dental Internes.*) An applicant for limited regis tration under this section who shall furnish the board with proof entitling him to be examined for registration under the preceding section and with satisfactory proof that he has been appointed a dental interne in a hospital or other institution maintained by the commonwealth or by a county or municipality thereof, or in a hospital or dental infirmary incorporated under the laws of this commonwealth may, upon payment of five dollars, be registered by the board as a dental interne for one year; but such limited registration shall entitle said applicant to practice dentistry only in the hospital or other institution designated on his registration and under the direction of a registered dentist employed therein. Limited registration under this section may be revoked at any time by the board.

SECTION 74. (*Registration of Nurses and attendants.*) The board of registration in nursing, in this section and in sections seventy-four A to seventy-nine, inclusive, called the board, shall hold examinations for the registration of nurses at such times and places as it shall determine. Applications for registration, signed and sworn to by the applicant, shall be made on blanks furnished by the board. An applicant who furnishes satisfactory proof that he is at least twenty-one, of good moral character and a graduate of a school for nurses approved by the approving authority for schools for nurses and schools for attendants established by section fifteen A of chapter thirteen, in this section and in sections seventy-four A, seventy-five and eighty-one A to eighty-one C, inclusive, referred to as the approving authority, shall, upon payment of five dollars, be examined by the board, and, if found qualified, shall be registered, with a right to use the title registered nurse and to practice as such, and shall receive a certificate thereof from the board, signed by its chairman and secretary. An applicant failing to pass an examination satisfactory to the board shall be entitled, within one year thereafter, without the payment of an additional fee, to a re-examination at a meeting of the board called for the examination of applicants, but one such re-examination shall exhaust his privilege under his original application. Every person registered hereunder who continues to hold himself out as a registered nurse shall, on or before his birthday in each year, renew his registration for the ensuing year by payment of one dollar to the board, and thereupon the board shall issue a certificate showing that the holder thereof is entitled to practice as a registered nurse for the period covered by said payment; provided, that if a birthday of any person who shall be registered hereunder shall occur within three months after such original registration, such person need not renew his registration until the birthday next following the birthday aforesaid. For the purposes of this section and of section seventy-four A, the birthday of a person born on February twenty-ninth shall be deemed to be February twenty-eighth. In default of such renewal, a person registered hereunder shall forfeit the right to practice as a registered nurse or to hold himself out as such until such fee shall have been paid. The board, after a hearing, by vote of a majority of its members, may annul

the registration and cancel the certificate of any nurse who has been found guilty of a felony.

Amended Acts 1941, Ch. 620.

Chapter 113

PROMOTION OF ANATOMICAL SCIENCE

Sect.
1. Disposition of bodies of certain deceased persons.
2. Certain bodies not to be so disposed of.
3. Body to be held fourteen days for identification.
4. Taking of such body; bond.
5. Autopsies.
6. Bodies of murderers may be dissected.

Section 1. (*Disposition of bodies of deceased persons.*) Upon the written application of the dean or other officer of any medical school established by law in the commonwealth, the board of public welfare of a town, the institutions commissioner of Boston or the penal institutions commissioner of Boston, the trustees and superintendent of the Tewksbury State Hospital and Infirmary or other public institution supported in whole or part at the public expense, except the Soldiers' Home in Massachusetts at Chelsea, in this chapter called the authorities, shall permit such dean or other officer to take, within three days after death, the body of any person, required to be buried at the public expense, who died in such town or in any institution under the control of such authorities, to be used within the commonwealth for the promotion of anatomical science. In giving such permission regard shall be had to delivering such bodies to any such medical schools in proportion, so far as practicable, to the number of students therein.

Amended Acts 1941, Ch. 351, Sec. 7.

Section 2. (*Certain bodies not to be disposed of.*) Such permission shall not be given to take the body of any soldier or sailor, known to be such, who served in the war of the rebellion or in any war between the United States and any foreign power, or the body of any stranger or traveler who died suddenly, or the body of a person who, during his last sickness, of his own accord requested that his body be buried or delivered to a friend, but such body shall, in conformity with such request, if any, be buried or delivered to such friend.

Section 3. (*Body to be held for identification.*) No body of a deceased person which is subject to section one shall be used for fourteen days after death for the promotion of anatomical science, but it shall during such period be kept by the authorities or dean or other officer in a condition and place to be viewed by any person, at all reasonable times, for the purpose of identification. If, within such time, any person claiming to be and satisfying the authorities that he is a friend or is of kindred to the deceased asks to have the body buried or surrendered to himself, the body shall in conformity with such request be either buried or delivered to such friend or kindred.

Section 4. (*Taking of such body; bond.*) Such dean or other officer, if he has been given permission to take the body of a deceased person as provided in section one, shall, before receiving it, give to the authorities surrendering it, a bond conditioned that he will comply with the preceding section and that after the time prescribed therein, if the body has not been buried or delivered in accordance therewith, it shall be used only for the promotion of anatomical science in the commonwealth in such manner as not to outrage public feeling, and that, after having been so used, the remains shall be decently buried.

SECTION 5. (*Autopsies.*) Before surrendering the body of any such person as provided in the four preceding sections, the chief medical officer of any institution named in section one may, if the cause of the death cannot otherwise be determined and if such body is unclaimed by relatives or friends, cause an autopsy to be made upon it.

SECTION 6. (*Bodies of murderers may be dissected.*) Upon conviction of murder in the first degree, the court may order the body of the convict after his execution to be dissected. The warden of the state prison shall in such case deliver it to a professor of anatomy or surgery in a medical school established by law in the commonwealth, if so requested; otherwise, he shall, unless the convict's friends desire it for interment, deliver it to any surgeon attending to receive it who will undertake to dissect it.

CHAPTER 114

CEMETERIES AND BURIALS

SECT.		SECT.	
34.	Use of land.	43M.	Burials regulated.
43A.	Establishment of future cemeteries regulated.	45.	Burial permits.
		47.	Certificates for burial, etc.

SECTION 34. (*Cemeteries and Burials.*) (*Use of Land.*) Except in the case of the erection or use of a tomb on private land for the exclusive use of the family of the owner, no land, other than that already so used or appropriated, shall be used for burial, unless by permission of the town or of the mayor and aldermen of the city in which the same lies; but no such permission shall be given until the location of the lands intended for such use has been approved in writing by the board of health of the town where the lands are situated after notice to all persons interested and a hearing; and the board of health, upon approval of the use of any lands either for new cemeteries or for the extension of existing cemeteries, shall include in the records of the said board a description of such lands sufficient for their identification. For every interment in violation of this section in a town in which the notice prescribed in section thirty-seven has been given, the owner of the land so used shall forfeit not less than twenty nor more than one hundred dollars.

SECTION 43A. (*Establishment of Future Cemeteries Regulated.*) (*Cemeteries and Burials.*) No cemetery established on or after July first, nineteen hundred and thirty-six, shall be owned, maintained or operated except by a municipality or other political sub-division of the commonwealth, a church, a religious or charitable society, or by a cemetery association incorporated as provided in section one, nor shall such a cemetery be maintained or operated for the purpose of private profit or gain, directly or indirectly, to any director, officer or member of the cemetery association or other agency owning, maintaining and operating the same. A cemetery lawfully established prior to said date may continue to be owned, maintained and operated under the form of organization adopted therefor.

Inserted Acts 1936, Ch. 319, Sec. 6.

SECTION 43M. (*Cemeteries and Burials.*) Except as otherwise provided by law, or in case of a dead body being rightfully carried through or removed from the commonwealth for the purpose of burial or disposition elsewhere, every dead body of a human being dying within the commonwealth, and the remains of any body after dissection therein, shall be decently buried, entombed in a mausoleum, vault or tomb or cremated within a reasonable time after death. The permanent disposition of such bodies or remains shall be by interment in the earth or deposit in a chamber, vault or tomb of a cemetery owned, maintained and operated in accord-

ance with the laws of this commonwealth, by deposit in a crypt of a mausoleum, or by cremation. The remains of a human body after cremation may be deposited in a niche of a columbarium or a crypt of a mausoleum, buried or disposed of in any manner not contrary to law. No deposit of the bodies or remains of the human dead shall be made in a single chamber, vault or tomb wholly or partly above the natural surface of the ground unless the part thereof below such surface is of a permanent character, constructed of materials capable of withstanding extreme climatic conditions, waterproof and air tight, and capable of being sealed permanently to prevent all escape of effluvia, and unless the part thereof above the natural surface of the ground is constructed of natural stone of a standard not less than that required by the United States government for monuments erected in national cemeteries, of durability sufficient to withstand all conditions of weather.

Inserted 1936, Ch. 319, Sec. 6.

Section 45. (*Exhumation of bodies.*) (*Burial permits.*) Except as provided in sections forty-four and forty-six, no undertaker or other persons shall bury or otherwise dispose of a human body in a town, or remove therefrom a human body which has not been buried, until he has received a permit from the board of health or its agent appointed to issue such permits, or if there is no such board, from the clerk of the town where the person died; and no undertaker or other person shall exhume a human body and remove it from a town, from one cemetery to another, or from one grave or tomb other than the receiving tomb to another in the same cemetery until he has received a permit from the board of health or its agent aforesaid or from the clerk of the town where the body is buried. No such permit shall be issued until there shall have been delivered to such board, agent or clerk, as the case may be, a satisfactory written statement containing the facts required by law to be returned and recorded, which shall be accompanied, in case of an original interment, by a satisfactory certificate of the attending physician, if any, as required by law, or in lieu thereof a certificate as hereinafter provided. If there is no attending physician, or if, for sufficient reasons, his certificate cannot be obtained early enough for the purpose, or is insufficient, a physician who is a member of the board of health, or employed by it or by the selectmen for the purpose, shall upon application make the certificate required of the attending physician. If death is caused by violence, the medical examiner shall make such certificate. If such a permit for the removal of a human body, not previously interred, from one town to another within the commonwealth cannot be obtained early enough for the purpose, the certificate of death made as above provided and in the possession of the undertaker desiring to make such removal shall constitute a permit for such removal; provided, that such body shall be returned to the town from which it was removed within thirty-six hours after such removal, unless a permit in the usual form for the removal of such body has been sooner obtained hereunder. If the death certificate contains a recital, as required by section ten of chapter forty-six, that the deceased served in the army, navy or marine corps of the United States in any war in which it has been engaged, such recital shall appear upon the permit. The board of health or its agent, upon receipt of such statement and certificate, shall forthwith countersign it and transmit it to the clerk of the town for registration. The person to whom the permit is so given and the physician certifying the cause of death shall thereafter furnish for registration any other necessary information which can be obtained as to the deceased, or as to the manner or cause of the death, which the clerk or registrar may require.

SECTION 47. (*Certificates for burial.*) No person having the care of a cemetery, burial ground or crematory shall permit the burial, removal or cremation of a human body until the permit for such burial, removal or cremation has been delivered to him, nor permit the ashes of a human body to be buried therein until there has been delivered to him a certificate that the burial permit and the certificate of the medical examiner prerequisite to the cremating of said body have been duly presented.

Upon the burial, removal, or cremation of a body, the superintendent or other officer in charge of the cemetery or crematory shall indorse upon the coupon accompanying the permit the fact of such burial, removal or cremation, with the date thereof, shall make and preserve in the files of the cemetery or crematory a record of such burial, removal or cremation, including any recital in the burial permit relative to service of the deceased in any war in which the United States has been engaged, and also the location of the grave or other receptacle of the body or ashes of the deceased, and shall forthwith return the coupon to the office issuing the same; provided, that if there is no officer in charge of the cemetery or crematory, such duties shall be performed by the undertaker.

CHAPTER 116
SETTLEMENT

SECT.
1. Legal settlements.
2. Settlement not acquired while receiving public relief, etc.
4. Receipt of institutional aid by certain soldiers, etc. not to affect settlement.
5. Existing settlements; continuance, loss. Time in certain institutions not counted.

SECTION 1. (*Settlement.*) Legal settlements may be acquired in any town in the following manner and not otherwise:

First: Except as provided in the following clause, each person who after reaching the age of twenty-one has resided in any town within the commonwealth for five consecutive years shall thereby acquire a settlement in such town.

Second: A married woman shall follow and have the settlement of her husband; but if he has no settlement within the commonwealth, she shall retain the settlement, if any, which she had at the time of her marriage and may acquire a settlement under the preceding clause.

Third: Legitimate children shall follow and have the settlement of their father if he has one within the commonwealth, otherwise they shall follow and have the settlement of their mother if she has one; if the father dies during the minority of his children they shall thereafter follow and have the settlement of the mother. Upon the divorce of the parents the minor children shall follow and have the settlement of the parent to whom the court awards their custody.

Fourth: Illegitimate children shall follow and have the settlement of their mother.

Fifth: A person who enlisted and was mustered into the military or naval service of the United States, as a part of the quota of a town in the commonwealth under any call of the president of the United States during the war of the rebellion or any war between the United States and any foreign power, or who was assigned as a part of the quota thereof after having enlisted and been mustered into said service, and his wife or widow and minor children, shall be deemed thereby to have acquired a settlement in such town; and any person who would otherwise be entitled to a settlement under this clause, but who was not a part of the quota of any town, shall, if he served as a part of the quota of the commonwealth, be deemed to have acquired a settlement, for himself, his wife or widow and minor children, in the place where he actually resided at the time of his enlist-

ment. Any person who was inducted into the military or naval forces in time of war between the United States and any foreign power, whether he served as a part of the quota of the commonwealth or not, or who enlisted and served in said forces during the Philippine insurrection, and his wife or widow and minor children shall be deemed to have acquired a settlement in the place where he actually resided in this commonwealth at the time of his induction or enlistment. But these provisions shall not apply to any person who enlisted and received a bounty for such enlistment in more than one place unless the second enlistment was made after an honorable discharge from the first term of service, nor to any person who has been proved guilty of wilful desertion, or who left the service otherwise than by reason of disability or an honorable discharge.

Sixth: Upon the division of a town, every person having a legal settlement therein, but being absent at the time of such division, and not having acquired a legal settlement in the town containing the last dwelling place or home which he had in the town so divided; and if a new town, composed of a part of one or more other towns is incorporated, every person legally settled in the towns of which such new town is so composed, and who actually dwells and has his home within the bounds of such new town at the time of its incorporation, and any person duly qualified as provided in the fifth clause of this section who at the time of his enlistment dwelt and had his home within such bounds, shall thereby acquire a legal settlement in such new town; but no person residing in that part of a town which upon such division is incorporated into a new town and who then has no legal settlement therein shall acquire any by force of such incorporation only, nor shall such incorporation prevent his acquiring a settlement in such town within the time and by the means by which he would have gained it there if no such disivion had been made.

SECTION 2. No person shall acquire a settlement, or be in the process of acquiring a settlement, while receiving public relief other than aid or relief received under chapter one hundred and fifteen, unless, within two years after receiving such relief, he tenders reimbursement of the cost thereof to the commonwealth or to the town furnishing it. No former patient of a state or county tuberculosis sanatorium or hospital, who is employed in such an institution, shall lose or gain a settlement or be in the process of losing or gaining a settlement while so employed. No person residing in an incorporated charitable institution the personal property of which is exempt from taxation, other than an employee of such institution, shall gain or lose a settlement nor be in the process of gaining or losing a settlement while residing therein.

Amended; Ch. 379, Acts 1943.

SECTION 4. (*Settlement.*) If a soldier or a dependent of a soldier eligible to receive military aid or soldiers' relief under chapter one hundred and fifteen receives aid or treatment in any hospital or other institution, such aid or treatment shall not have the effect of preventing or defeating the acquisition of a legal settlement.

SECTION 5. (*Settlement.*) Except as otherwise provided in this section, each settlement existing on August twelfth, nineteen hundred and eleven, shall continue in force until defeated under this chapter, but from and after said date failure for five consecutive years by a person, after reaching twenty-one years of age, to reside in a town where he had a settlement, shall defeat a settlement acquired under clause First of section one, or a settlement of a woman acquired under clause Second of said section one provided the settlement of her husband is defeated. The settlement of

a minor acquired under either clause Third or Fourth, of section one, except the settlement of a female minor who has married, shall be defeated with the settlement of the parents. The time during which a person shall be an inmate of any infirmary, jail, prison, or other public or state institution, within the commonwealth or in any manner under its care and direction, or that of an officer thereof, or of a soldiers' or sailors' home whether within or without the commonwealth, shall not be counted in computing the time either for acquiring or defeating a settlement, except as provided in section two. The settlement existing on August twelfth, nineteen hundred and sixteen, or any settlement subsequently acquired, of a person whose service in or with the army, navy or marine corps of the United States qualifies him to receive aid or relief under the provisions of chapter one hundred and fifteen, and the settlement of his wife, widow until she remarries, father or mother, qualified by his service to receive relief under said chapter one hundred and fifteen shall not be defeated, except by failure to reside in the commonwealth for five consecutive years or by the acquisition of a new settlement.

Amended 1937, Ch. 125.

Chapter 119

PROCEEDINGS AGAINST CHILDREN

Sect. 58A. Mental and physical examinations of children before commitment as delinquents. Reports.

Sect. 66. Detention of minors in lockups, etc. regulated.

Section 58A. (*Mental examination of children before Commitment as Delinquents.*) Prior to the commitment, by way of final disposition to any public institution or to the department, of a child adjudged to be a delinquent child, the court may cause such child to receive thorough physical and mental examinations, under rules and regulations prescribed by the commissioner of mental health. The court shall cause copies of the reports showing the results of such examinations and of the investigation made by the probation officer to be forwarded to the superintendent of the institution to which such child is committed or to the department, as the case may be, with the warrant of commitment.

Revised Ch. 327, Acts 1941.

Section 66. (*Children, Proceedings against.*) A child under seventeen, except when charged with an offense punishable by death or life imprisonment or with a sex crime, so called, or except as otherwise provided by section fifty-nine or section sixty-seven, shall not, pending an examination or trial or in default of bail, be committed to a lockup, police station or house of detention, to a jail or house of correction or to the state farm; provided, that a boy between fourteen and seventeen, arrested in the act of violating a law of the commonwealth, or on a warrant, may, in the discretion of the arresting officer, be committed to a lockup, police station or house of detention.

Whenever a boy between fourteen and seventeen has been committed to a lockup, police station or house of detention the probation officer and at least one of his parents or his guardian, or, if there is no parent or guardian, the person with whom such child resides, shall be notified at once of such commitment. The officer of the place of custody where such child is confined, on the written request of the probation officer, shall release such child to him unless the officer who made the commitment makes a written request for his detention. Such probation officer shall notify such child of the time and place of the hearing of his case.

Revised Ch. 648, Acts 1941, Sec. 2.

Chapter 121
MASSACHUSETTS HOSPITAL SCHOOL AND HOSPITAL FOR STATE MINOR WARDS

Sect.
35. Admission of patients.

Section 35. (*State Minor Wards.*)* The said trustees shall have the same powers and shall perform the same duties in the management and control of the said hospital for state wards as are vested in and required of them in their administration and control of the hospital school under sections twenty-eight to thirty-three, inclusive, so far as applicable. No state ward who is insane, feebleminded, epileptic, or otherwise unfit shall be admitted to or received at the said hospital, nor shall any state ward so be admitted or received without the approval of the trustees and the written order of an authorized agent of the department, nor released from said hospital without written notice to the said department.

*Management of by Massachusetts Hospital School.

Chapter 122
TEWKSBURY STATE HOSPITAL AND INFIRMARY

Sect.
5. Duties of resident physician.
13. Cities and towns not to send dangerous insane patients.
20. Commitment of insane inmates.
20A. Unlawful consumption of certain liquids.
23. Punishment for escape.
24. Complaints for escapes.

Section 5. (*Tewksbury State Hospital and Infirmary.*) (*Duties of Resident Physician.*) The resident physician shall be competent to take charge of insane inmates, and shall have entire charge of and be responsible for the medical treatment of the inmates of the hospital at the Tewksbury state hospital and infirmary; shall regulate and control the dietary of and supervise the preparation of the food for the hospital; and, if not himself the superintendent, shall make requisitions upon the superintendent for such food, medicines and necessaries, other than the ordinary supplies, as in his judgment the requirements of a well ordered hospital demand.

Amended Ch. 351, Sec. 28, Acts 1941.

Section 13. (*Tewksbury State Hospital and Infirmary.*) No town shall send to said hospital and infirmary any insane person who would be dangerous if at large.

Amended Ch. 351, Sec. 15, Acts 1941.

Section 20. (*Tewksbury State Hospital and Infirmary.*) Any inmate of said hospital and infirmary found to be insane may be committed thereto in the same manner in which commitments of insane persons to insane hospitals are made.

Amended Ch. 351, Sec. 38, Acts 1941.

Section 20A. (*Penalizing the unlawful consumption, possession, etc. of certain liquids, etc.*) Any inmate of said institution who has in his possession, within or outside the precincts thereof, any liquid or other article with intent to consume the same as an inebriant, or to convey, give, sell or deliver the same to any other inmate thereof for such consumption, shall be punished by a fine of not more than fifty dollars or by imprisonment in a jail or house of correction for not more than six months. This section shall not apply to the possession, handling or consumption of any such liquid or article under lawful direction of a physician.

Inserted Ch. 201, Acts 1941.

SECTION 23. (*Punishment for Escape.*) (*Tewksbury State Hospital and Infirmary.*) Whoever escapes from Tewksbury state hospital and infirmary and within one year is found in any town soliciting public charity shall be punished by imprisonment at the state farm.

Amended Ch. 351, Sec. 39, Acts 1941.

SECTION 24. (*Tewksbury State Hospital and Infirmary.*) (*Re Escapes.*) Complaints for violations of section twenty-three may be made and prosecuted by any member of a board of public welfare or by the institutions department in Boston or by the superintendent of the Tewksbury state hospital and infirmary or an officer of said institution designated by said superintendent for such purpose or by agents, not exceeding two, appointed by the department and designated for such purpose. The district court of Lowell may, at such time as it appoints, hold sessions at Tewksbury for the trial of such complaints against inmates of said state hospital and infirmary.

Revised Ch. 191, Acts 1941.

CHAPTER 125
PENAL AND REFORMATORY INSTITUTIONS OF THE COMMONWEALTH

SECT.
20. Insane prisoners.
48. Bridgewater State Hospital.

SECTION 20. (*Insane Prisoners.*) He[1] shall attend upon all insane convicts, and if in his opinion they can be removed to the prison hospital without detriment or danger to the other patients or inmates of the prison, he shall order them so removed, and shall see that they have sufficient daily exercise outside their cells or places of confinement.

[1]The physician.

SECTION 48. (*Bridgewater State Hospital.*) The Bridgewater state hospital shall be part of the state farm, and the superintendent thereof shall, with the approval of the commissioner, appoint a physician as medical director. The medical director shall have the care and custody of the inmates thereof and govern them in accordance with regulations approved by the commissioner.

CHAPTER 127
PENAL AND REFORMATORY INSTITUTIONS: PURCHASE OF ARTICLES MADE BY PRISONERS

SECT.
53. Articles made by prisoners.
55. List of prison made articles.
56. Estimate of articles needed in public offices.
57. Public institutions, etc., shall purchase articles manufactured by prisoners by lists furnished by commissioner.
58. Prices of prison made articles sold to public institutions, etc.
118. Hospitalization of pregnant women.
123. Expense of removing prisoners.
139. Power to grant permits.

SECTION 53. (*Articles made by prisoners.*) The commissioner shall, so far as possible, cause such articles and materials as are used in the offices, departments or institutions of the commonwealth and of the several counties, cities and towns to be produced by the labor of prisoners in the institutions named in section fifty-one.

SECTION 55. (*List of prison made articles.*) Annually in September the commissioner shall issue to the officers in charge of the offices, departments and institutions named in section fifty-three a descriptive list of the styles, designs and qualities of said articles and materials. Any difference between the prison officials and the offices, departments or institutions in regard to styles, designs and qualities shall be submitted to arbi-

trators, whose decision shall be final. One of said arbitrators shall be named on behalf of the prison by the commissioner, one by the principal officer of the other office, department or institution concerned, and one by agreement of the other two. The arbitrators shall be chosen from the official service, and shall receive no compensation for performance of any duty under this section; but their actual and necessary expenses shall be paid by the prison or office, department or institution against which their award is given.

SECTION 56. (*Estimate of articles needed in public offices.*) Annually in November the officers in charge of all offices, departments and institutions named in section fifty-three shall send to the commissioner an estimate of the quantities of the articles and materials needed for their respective offices, departments or institutions during the ensuing year. Said estimates shall generally observe the styles, designs and qualities named in the descriptive list; and if any special style is desired in considerable quantity, the estimate shall contain a request that the commissioner shall arrange for the manufacture of such special articles as may be needed.

SECTION 57. (*Public institutions, etc., shall purchase articles manufactured by prisoners from lists furnished by commissioner.*) Annually in January the commissioner shall send to the comptroller, to the auditing and disbursing officers of the several counties, and to the auditor and treasurer of each city and town a list of the articles and materials that can be produced by the labor of prisoners for the use of offices, departments and institutions of the commonwealth and of the counties, cities and towns. The requisitions hereinafter provided for shall conform to said list unless it appears that special style, design or quality is needed and shall be on forms provided by the commissioner. The state purchasing agent or the purchasing agent of a city or town shall make requisition therefor to the commissioner; provided, that in the case of articles or materials needed by a state office, department or institution and not required to be purchased by the state purchasing agent, or needed by a county, or by a city or town not having a purchasing agent, the requisition shall be made by the officer in charge of the state, county, city or town office, department or institution in which such articles or materials are needed. The commissioner shall forthwith inform said state, city or town purchasing agent or other officer in what institutions they are produced, and he shall purchase them from any institution so designated. If they are needed immediately and are not on hand, the commissioner shall forthwith so notify him, and he may purchase them elsewhere. No bill for any such articles or materials purchased for the use of said offices, departments or institutions, otherwise than from a prison or from another penal institution, shall be allowed or paid unless it is accompanied by a certificate from the commissioner showing that a requisition therefor has been made and that the goods cannot be supplied from the prisons. Provisions of any city charter contrary to this section shall be void.

SECTION 58. (*Prices of prison made articles sold to public institutions, etc.*) The price of all articles and materials supplied by the prisoners to the commonwealth, counties, cities and towns shall conform as nearly as may be to the wholesale market rates for similar goods manufactured outside of the prisons. Any difference of opinion in regard to price may be submitted to arbitration in the manner provided in section fifty-five.

SECTION 118. (*Hospitalization of pregnant females.*) (*Defective Delinquents.*) Whenever it appears that a female confined under sentence in any prison, or under commitment to a department for defective delinquents referred to in section one hundred and seventeen, is about to give

birth to a child, the physician of the institution where the inmate is confined shall send to the commissioner a certificate of her condition, and the commissioner shall thereupon order her removal to a hospital near the institution where she is confined, but in no case shall such female be removed to the Tewksbury state hospital and infirmary or to any penal or reformatory institution for the purpose of giving birth. An inmate so removed shall be kept in such hospital until the physician thereof shall certify to said commissioner that she may safely be removed, whereupon the commissioner shall issue an order for her return to prison or to the department for defective delinquents.

Revised Acts 1941, Ch. 510, Sec. 2.

Section 123. (*Expense of removing prisoners.*) (*Defective Delinquents.*) The expense of removing a prisoner from one jail or house of correction to another shall be paid by the county from which he is removed. The expense of removing a prisoner to or from a state institution by order of the commissioner shall be paid upon bills approved by him, out of the appropriation for the removal of prisoners, except that when a removal of a prisoner is made at the request of the trustees of any institution, or under section one hundred and seventeen or one hundred and eighteen, the expense thereof shall be borne by the institution from which the prisoner is removed. The expense of removing a prisoner to the Bridgewater state hospital shall be paid by the prison from which the prisoner is removed. The expense of removing, under section one hundred and seventeen or one hundred and eighteen, a person under commitment to a department for defective delinquents, shall be paid by the institution from which such person is removed; and all hospital expenses incurred under either of said sections in connection with a prisoner or a person under commitment as aforesaid shall be paid by the prison or institution from which such person is removed.

Amended Ch. 510, Sec. 3, Acts 1941.

Section 139. (*Power to Grant Permits.*) The power to grant a permit to be at liberty to any person sentenced or transferred to the state prison, the state prison colony, the Massachusetts reformatory, the reformatory for women or the state farm, and to revoke, revise, alter or amend the same, shall remain in the parole board until the expiration of the maximum term of the sentence for the service of which the person was so committed or transferred, notwithstanding the subsequent transfer of such person to any other institution.

Amended Ch. 344, Sec. 23, Acts 1941.

Chapter 142
SUPERVISION OF PLUMBING

Sect.
21. Inspection of plumbing.

Section 21. (*Inspection of Plumbing.*) The examiners shall formulate rules relative to the construction, alteration, repair and inspection of all plumbing work in buildings owned and used by the commonwealth, subject to the approval of the department of public health, and all plans for plumbing in such buildings shall be subject to the approval of the examiners.

Inserted 1938, Ch. 302.

Chapter 143
INSPECTION AND REGULATION OF BUILDINGS, ELEVATORS AND CINEMATOGRAPHS

Sect.
1. Definitions.
15. Construction of public buildings.
42. Ventilation and sanitation. Inspection by department of public health.
72. Cinematographs, regulation.
75. Licenses.

(References only. Laws not included.)

Chapter 146
INSPECTION OF BOILERS, ETC.
Ammonia Compressors

Sect.
6. Annual Inspection.
8. Boilers not to be operated without inspection.
42. Ammonia compressor.

(See also Licenses of Engineers and Firemen below.)

Section 6. (*Inspection of boilers.*) All steam boilers and their appurtenances except those specified in the following section shall be thoroughly inspected externally and internally at least once a year.

Section 8. (*Boiler not to be Operated without Inspection.*) No person shall operate or cause to be operated any boiler required by this chapter to be inspected until it has been inspected, and the certificate of inspection required by section twenty-three or twenty-five has been issued and so placed in the engine or boiler room of the plant as to be easily read, or in the case of a portable boiler kept with it and always accessible.

Section 42. (*Ammonia compressor.*) No person shall use an ammonia compressor unless it is equipped with a safety valve.

Chapter 146
LICENSES OF ENGINEERS AND FIREMEN

Sect.
46. License for operating boilers or engines.
47. Violation of preceding section.
48. Determination of power.
49. Classes of licenses.
50. Qualifications of licensees.
51. Posting of ficense.
52. Licenses in force May 17, 1915.

(Additional Refcrences only. Laws not included here.)

Chapter 147
SEX CRIMES

Section 4B. (*Sex Crimes.*) Not less than seven days before the time set for the release or discharge on parole, or otherwise, of any person confined in a penal or reformatory institution of the commonwealth or of any county under sentence for a violation of any provision of sections twenty-two to twenty-four, inclusive, of chapter two hundred and sixty five or of section thirty-four or thirty-five of chapter two hundred and seventy-two, or of any person confined in any department for defective delinquents, or in any state hospital, as defined in section one of chapter one hundred and twenty-three, or in the Bridgewater state hospital, who was removed thereto after conviction of a violation of any such provision or was committed thereto during the pendency of a complaint or indictment for a violation of any such provision, the officer in charge of such institution, department or hospital, as the case may be, shall notify the commissioner in writing of such intended release or discharge; provided, that if any such person is released or discharged as aforesaid under such circumstances that it is not possible for the officer in charge to comply with the foregoing provision, he shall so notify the commissioner as soon

as possible that such person will be or has been released or discharged as aforesaid. Upon receipt of any such notice the commissioner shall furnish to the police authorities of each city and town, and to each district attorney, within the commonwealth the name of the person referred to in such notice, his known aliases, if any, last known address, age, height and weight, his photograph, copies of his finger prints, his criminal history and a list of any institutions for the insane and departments for defective delinquents in which he has been known to have been confined, and any other information relating to such person which is in the commissioner's possession.

Inserted Ch. 116, Acts 1939.

Chapter 149
LABOR AND INDUSTRIES

Sect.
30. Eight hour day, etc.
33. Limitation of.
34. Contracts for public work, re eight hour day, etc.
34A. Contracts for public works to provide insurance under workmen's compensation.
35. Penalty for violating.
36. Eight hour day not applicable in certain cases.
38. Vacations for certain public employees.
39. Hours of labor, etc.
41. Laborers, half holiday.
42. Laborers, etc., employed by commonwealth to be on day work basis.
43. Equal opportunity of certain employment for all citizens.
44. Holiday for veterans on Memorial Day.
44A. Awarding contracts for public buildings.
44B. Certificate of deposit, etc., to accompany proposal of bidder.
44C. A Procedure in bidding.
B Procedure in bidding.
D Procedure in bidding.
E Procedure in bidding.
56. Hours of labor of women and children.

(Refcrences only. Laws not included.)

Chapter 151A
UNEMPLOYMENT COMPENSATION

Section 53. (*Unemployment Compensation due diseased person, insane, etc.*) The director may provide for the payment, to such person or persons as the director finds entitled thereto, of benefits due a deceased person, or a person who has become incapacitated by reason of mental weakness or who is an insane person and incapable of properly taking care of himself or his property, for the allowance of whose will or for the administration of whose estate no petition for the appointment of an administrator, guardian, or conservator has been filed within thirty days after his death or by reason of such disabilities, and every such payment shall be a valid payment to the same extent as if made to the legal representatives of the deceased or of the person under such disabilities.

Revised Ch. 490, Acts 1939.

Chapter 152
WORKMEN'S COMPENSATION

Sect.
69. To prohibit payment of wages, etc. to public employees where compensation is payable, etc.
69A. Workmen's compensation. Approval of attorney-general.
69B. Further regulating workmen's compensation.
73. Election between compensation and pension.
73A. Employing public employees with partial disability.
74. Workmen's compensation. Application of, Sections 69–75.
75. Workmen's compensation. Agents for enforcing.

(References only. Laws not included here.)

Chapter 201
GUARDIANS AND CONSERVATORS

Sect.
1. Re guardians and conservators.
6. Appointment of guardian.
7. Notice of Appointment.
12. Powers and bond of guardian of insane persons.
13. Termination of guardianship.
13A. Removal of guardian.
14. Temporary guardian.
15. Powers of temporary guardian.
16. Conservator.
17. Notice re conservator.
18. Conservator, discharge of, etc.
19. Bond.
20. Powers of conservator.
21. Temporary conservator.
22. Allowance for Defense.
23. Guardians and conservators of married women.
24. Guardian not to have custody, etc.
26. Guardian for insane married woman having right of dower, etc.
33. Removal of guardian and appointment of successor.
42. Support of children of insane person under guardianship.
43. Support of wife of insane person under guardianship.
43A. Support of dependent parents of insane person under guardianship.
45. Election Waiver and exercise of power by guardian re person incompetent, etc.
47. Sale of personal property of ward.
48A. Provision for burial expenses of insane.

(References only. Laws not included here.)

Chapter 202
RE REAL ESTATE INSANE PERSON, ETC.

Section 12. (*License to Guardian of Insane Person or Spendthrift to sell real estate.*) No license to sell real estate shall be granted to the guardian of a spendthrift who resides in the commonwealth, or of an insane person, unless seven days' notice of the petition therefor has been given to the board of public welfare of the town where the spendthrift resides, or, in the case of an insane person, to the department of mental health. Such notice may be served upon any member of said board or department.

Amended Ch. 194, Sec. 17, Acts 1941.

Chapter 203
TRUSTS

Sect.
12. Removal of trustee if he has become insane or otherwise incapable.
18. Property held in trust by minors, insane etc., may be sold and conveyed in certain cases.

Section 12. (*Trusts.*) (*Removal of Trustee if he has Become Insane or otherwise incapable.*) The supreme judicial court, the superior court or the probate court may, upon petition of a party beneficially interested in a trust under a written instrument, and after notice to the trustee and all persons interested, remove the trustee if it finds that such removal is for the interests of the beneficiaries of the trust or if he has become insane or otherwise incapable or is unsuitable therefor.

Section 18. (*Property held in trust by minors, insane, etc. may be sold and conveyed in certain cases.*) If a person who is seized or possessed of real or personal property or of an interest therein upon a trust, express or implied, is a minor, insane, out of the commonwealth or not amenable to the process of any court therein having equity powers, and if in the opinion of the supreme judicial court, the superior court or the probate court a sale should be made of such property or of an interest therein, or a conveyance or transfer should be made thereof in order to carry into effect the objects of the trust, the court may order such sale, conveyance or transfer made and may appoint a suitable person in the place of such trustee to sell, convey or transfer the same in such manner as it may require. If a person so seized or possessed of an estate or entitled thereto upon a trust is within the jurisdiction of the court, he or his guardian may be ordered to make such conveyance as the court orders.

CHAPTER 206

ACCOUNTS, ETC. OF EXECUTORS, ADMINISTRATORS, ETC.

SECTION 7. (*Accounts, Notice Required.*) No final account or discharge of a guardian of an insane person shall be allowed unless at least seven days' notice has been given to the department of mental health. No account of a guardian of an insane person or of a conservator shall be allowed without such notice as the court may order to the United States veterans' bureau or its successor if the ward is entitled to any benefit, estate or income paid or payable by or through said bureau or its successor.

Amended Ch. 194, Sec. 18, Acts 1943.

CHAPTER 207

DOMESTIC RELATIONS

SECT.
5. Insane person, etc., incapable of marrying.
16. Issue of marriage void by reason of nonage, insanity, etc.

SECTION 5. (*Insane, etc. Persons Incapable of Marrying.*) (*Marriage.*) An insane person, an idiot, or a feeble-minded person under commitment to an institution for the feeble-minded, to the custody or supervision of the department of mental health, or to an institution for mental defectives, shall be incapable of contracting marriage. The validity of a marriage shall not be questioned by reason of the insanity, idiocy or of the feeble-mindedness aforesaid of either party in the trial of a collateral issue, but shall be raised only in a process instituted in the lifetime of both parties to test such validity.

Amended Ch. 194, Sec. 18A, Acts 1941.

SECTION 16. (*Issue of Marriage Void by Reason of Nonage, Insanity or Idiocy.*) The issue of a marriage declared void by reason of nonage, insanity or idiocy of either party shall be the legitimate issue of the parent who was capable of contracting the marriage.

CHAPTER 208

DIVORCE

SECT.
1. Causes for divorce.
15. Guardian for insane libellee, Compensation.

SECTION 1. (*Causes for Divorce.*) A divorce from the bond of matrimony may be decreed for adultery, impotency, utter desertion continued for three consecutive years next prior to the filing of the libel, gross and confirmed habits of intoxication caused by the voluntary and excessive use of intoxicating liquor, opium or other drugs, cruel and abusive treatment or, on the libel of the wife, if the husband, being of sufficient ability, grossly or wantonly and cruelly refuses or neglects to provide suitable maintenance for her.

SECTION 15. (*Guardian For Insane Libellee, Compensation.*) (*Divorce.*) If during the pendency of a libel the libellee is insane, the court shall appoint a suitable guardian to appear and answer in like manner as a guardian for an infant defendant in an action at law may be appointed. The compensation of such guardian shall be determined by the court and, together with his necessary expenses, shall be paid by the libellant if the court so orders.

Chapter 209
HUSBAND AND WIFE

Sect.
18. Release of dower or curtesy of insane person.
19. Reservation for insane husband of portion of proceeds upon release of curtesy.
20. Reservation for insane wife of portion of proceeds upon release of dower.
21. Like reservation for insane wife upon release of homestead.
22. Conveyance of provision in lieu of curtesy or dower.
23. Same subject.
24. Venue of proceedings.
32. Orders for support of wife deserted, etc.
36. Conveyance and will of husband living apart.

Section 18. (*Release of Dower or Curtesy of Insane Person.*) (*Husband and wife.*) The husband or wife of an insane person desiring to convey his or her real estate absolutely or by mortgage may file a petition in the probate court describing such real estate and praying that the wife's dower or homestead or the husband's curtesy therein may be released, and stating the facts and reasons why the prayer of the petition should be granted. The court may, after notice and a hearing, by a decree authorize the guardian of the insane person to make the release by joining in any deed or deeds, mortgage or mortgages of the whole or a part of said real estate which is or are made within five years after said decree by the husband or wife of the insane person or by a trustee for such husband or wife.

Section 19. (*Reservation for Insane Husband of Portion of proceeds upon release of curtesy.*) If the guardian of an insane husband is authorized under the preceding section to release such curtesy, and the probate court find that a portion of the proceeds of such real estate, or of an amount loaned on mortgage thereof, should be reserved for the use of such ward, it may order a certain portion, not exceeding one third of the net amount, if it is in respect of the tenancy by the curtesy by statute, of the proceeds or amount actually realized from such sale or mortgage, exclusive of any encumbrance then existing on said real estate, to be set aside and paid over to such guardian, to be invested and held for the benefit of the husband during his life if he survives his wife. The income of such portion shall be received and enjoyed by the wife during the life of her husband, or until otherwise ordered by the court for cause. If she survives him, the principal shall upon his death be paid over to her, but if she does not survive him, to her heirs, executors or administrators.

Section 20. (*Reservation for Insane Wife of Portion of Proceeds upon Release of Dower.*) If the guardian of an insane wife is authorized under section eighteen to release the dower of his ward, and the probate court finds that a portion of the proceeds of such real estate, or of an amount loaned on mortgage thereof, should be reserved for the use of such ward, it may order a certain portion, not exceeding one third of the net amount of the proceeds or amount actually realized from such sale or mortgage, exclusive of any encumbrance then existing on said real estate, to be set aside and paid over to such guardian, to be invested and held for the benefit of the wife during her life if she survives her husband. The income of such portion shall be received and enjoyed by the husband during the life of his wife, or until otherwise ordered by the court for cause. If he survives her, the principal shall upon her death be paid over to him but if he does not survive her, to his heirs, executors or administrators.

Section 21. (*Like Reservation for Insane Wife upon Release of Homestead.*) If the guardian of an insane wife is authorized under section eighteen to release an estate of homestead, and the probate court finds that a portion of the proceeds of the real estate sold, or of an amount loaned on mortgage thereof, should be reserved for the use of the ward, it may order a certain portion, not exceeding four thousand dollars, to be set aside and paid over to such guardian to be invested in a homestead, and

held by him for the benefit of his ward, if she survives her husband; the rent or use thereof to be received and enjoyed by the husband during the life of his wife, or until otherwise ordered by the court for cause; and the homestead to be his, and to be conveyed to him by said guardian, if he survives her.

Amended Acts 1939, Ch. 32, Sec. 3.

SECTION 22. (*Conveyance of Provision in Lieu of Curtesy or Dower.*) If the husband or wife of an insane person conveys real estate in trust without a power of revocation and makes a provision therein for the insane husband or wife, respectively, which the probate court, upon petition, after notice and hearing, finds is sufficient in lieu of curtesy or dower, the trustee may convey such real estate free from all right of curtesy or dower.

SECTION 23. (*Conveyance of Provision in Lieu of Curtesy or Dower.*) The court, under the preceding section, may find that the provision for the husband or wife is sufficient in lieu of curtesy or dower either in the whole or in particular portions of the real estate of the husband or wife, and thereupon the guardian of such insane husband or wife may be authorized to release the curtesy or dower in the whole or in particular portions thereof.

SECTION 24. (*Venue of Proceedings.*) Proceedings under the six preceding sections shall, if the husband or wife of such insane person is an inhabitant of this commonwealth, be in the county where he or she resides; otherwise, in a county where any of his or her real estate is situated; and a certified copy of all final orders or decrees in such proceedings shall be recorded in the registry of deeds in every county or district where such real estate lies.

SECTION 32. (*Orders for Support of Wife Deserted, etc.*) If a husband fails, without justifiable cause, to provide suitable support for his wife, or deserts her, or if the wife, for justifiable cause, is actually living apart from her husband, or if the husband is deserted by the wife, or is actually living apart from his wife for justifiable cause, the probate court may, upon his or her petition, or if he or she is insane, upon the petition of the guardian or next friend, prohibit the husband or wife from imposing any restraint on the personal liberty of the other during such time as the court shall by its order direct or until the further order of the court thereon; and, upon the application of the husband or wife or of the guardian of either, the court may make further orders relative to the support of the wife and the care, custody and maintenance of their minor children, may determine with which of their parents the children or any of them shall remain and may, from time to time, upon a similar application, revise and alter such order or make a new order or decree, as the circumstances of the parents or the benefit of the children may require. Upon request by the court, state police, local police or probation officers shall make an investigation in relation to any proceedings hereunder and report to the court. Every such report shall be in writing and shall become part of the records of such proceedings.

Amended Acts 1938, Ch. 136.

SECTION 36. (*Conveyance and Will of Husband Living Apart.*) A probate court may upon petition of a husband or, if he is insane, of his guardian or next friend, enter a decree that said husband has been deserted by his wife or that he is living apart from her for justifiable cause, and he may thereafter convey his real estate in the same manner and with the same effect as if he were sole; and the surviving wife shall not be entitled under section fifteen of chapter one hundred and ninety-one to waive the provisions of a will made by him or to claim such portion of his estate as she

would take if he had died intestate, nor shall she be entitled upon his death, if he leaves a will, to dower in his estate, as provided in section one of chapter one hundred and eighty-nine. Section seventeen of chapter two hundred and eight shall apply to proceedings upon such petition, so far as applicable.

Chapter 216
COURTS OF INSOLVENCY

Sect.
133. Insolvency, courts, petitions of creditors of insane person.
134. Schedules.
135. Debtor, after recovering from insanity.

Section 133. (*Insolvency, Courts, Petitions of Creditors of Insane Person.*) (*Petition by Creditors of Insane Person.*) Any of the creditors of an insolvent insane person, whose claims provable against his estate amount to one hundred dollars, may file a petition under oath in the court of insolvency for the county, if any, where the debtor, has last resided or had a usual place of business for three consecutive months before the filing of said petition, otherwise in the court for the county where he resides, or has a usual place of business, stating his insolvency and the nature of their claims, and praying that his property may be seized and distributed according to this chapter. If after public notice and the appointment of a guardian ad litem for such insane person, and a hearing, the court finds that the interests of the debtor and creditors so require, the judge may issue a warrant to take possession of the property of the debtor and thereupon like proceedings shall be had as in the settlement of estates of other insolvent debtors.

Section 134. (*Schedules.*) In such case, the schedules of creditors and of property required by this chapter shall be made and filed by the messenger, upon his best information and belief. The debtor shall not be required to attend at any meeting of creditors nor be subject to examination, unless ordered by the court.

Section 135. (*Debtor, After Recovering from Insanity, May Apply for Discharge.*) Within six months after recovering from his insanity, the debtor may petition the court for his discharge, and shall thereupon be required to deliver to his assignee for the benefit of his creditors any property which was in his hands or possession or to which he was entitled at the time of filing the original petition, and which had not come into the hands or possession of his assignee; shall make a full disclosure thereof, and shall take and subscribe on oath that he has so done; shall submit himself to examination thereon, and may within three months after the filing of his petition file the written assent to his discharge of a majority in number and value of his creditors who have proved their claims, as provided in section ninety-nine. If the court finds, at a meeting of the creditors called therefor, that he has made a full disclosure and delivery of his property as herein required, that he has conformed to this chapter so far as applicable and that his assets have paid fifty per cent of the claims proved against his estate, or that the written assent to his discharge of a majority in number and value of his creditors who have proved their claims has been filed, the judge shall grant him a certificate, which shall state all fiduciary debts exempt from discharge and shall be in the form and have the effect provided by this chapter for discharge of other insolvent debtors.

Chapter 218
DISTRICT COURTS

Section 30. (*District Courts shall Bind over for Trial to Supreme Court.*) (*Binding over to Superior Court, etc.*) They shall commit or bind over for trial in the superior court persons brought before them

who appear to be guilty of crimes not within their final jurisdiction, and may so commit or bind over persons brought before them who appear to be guilty of crimes within their final jurisdiction. In such cases the clerk of the district court shall forthwith transmit to the clerk of the superior court a copy of the complaint and of the record, the original recognizances, a list of the witnesses, a statement of the expenses and the appearance of the attorney for the defendant, if any is entered, and the report of the department of mental health as to the mental condition of the defendant, if such report has been filed under the provisions of section one hundred A of chapter one hundred and twenty-three, and no other papers need be transmitted. If such a person is committed for failure to recognize as ordered, the superior court shall thereupon have jurisdiction of the case against such person for the purpose of revising the amount of bail theretofore fixed.

Amended Ch. 194, Sec. 19, Acts 1941.

Chapter 221
CLERKS, ATTORNEYS AND OTHER OFFICERS OF JUDICIAL COURTS

Sect.
44A. Prohibiting employees of hospitals from negotiating for the settlement of certain personal injury claims.
44B. Law to be posted in hospitals, etc.

Section 44A. (*An Act Prohibiting Employees of Hospitals from Negotiating for the Settlement of Certain Personal Injury Claims.*) No person in the employ of, or in any capacity attached to or connected with, any hospital, infirmary or other institution, public or private, which receives patients for medical or surgical treatment, shall communicate, directly or indirectly, with any attorney at law, or any person representing such attorney, for the purpose of enabling such attorney, or any associate or employee of such attorney, to solicit employment to present a claim for damages or prosecute an action for the enforcement thereof, on behalf of any patient in any such institution. No such person in the employ of any hospital shall negotiate or attempt to negotiate the settlement of any such claim. A district court, upon complaint alleging violation of any provision of this section by any person employed by, or attached to, or connected with, any such hospital, infirmary or other institution situated within its judicial district, may issue an order or notice to the person complained of to show cause why he should not be ordered to desist and refrain from violation of any such provision on penalty of contempt.

Inserted Ch. 293, Acts 1943.

Section 44B. (*Law to be posted in hospital.*) The superintendent or other person in immediate charge of each hospital, infirmary or institution referred to in section forty-four A shall cause to be posted and kept posted in a conspicuous place therein printed copies of said section. Printed copies of said section shall, on application therefor, be furnished to each such hospital, infirmary and institution by the department of public health at a price to be determined by the commission on administration and finance. Any such superintendent or other person who violates any provision of this section shall be punished by a fine of not more than five hundred dollars.

Inserted Ch. 197, Sec. 2, Acts 1939.

Chapter 224
INSANE DEBTORS

Section 27. (*Insane Debtors.*) If a defendant or debtor imprisoned on mesne process or execution is supposed to be insane, any person may file a petition in any court named in section fifty of chapter one

hundred and twenty-three in the county where he is imprisoned, stating the facts. The court shall appoint a time and place for a hearing, and shall order notice thereof to be given to the plaintiff, creditor or his attorney seven days before the time so appointed, and in other respects shall proceed under said chapter one hundred and twenty-three as in cases of insane persons not under arrest. If satisfied upon the hearing that the person is insane, the court may order his discharge from arrest and his removal to a state hospital, as defined in section one of said chapter one hundred and twenty-three. The legal rights of the plaintiff or the creditor shall not be affected by such discharge or removal.

Chapter 228

SURVIVAL OF ACTIONS, ETC.

Section 13. (*Insanity.*) If, during the pendency of an action or suit, any party becomes insane, it may be prosecuted or defended by his guardian in like manner as if it had been commenced after the appointment of the guardian, or the court may appoint a guardian for the action, as the case may require.

Chapter 233

WITNESSES AND EVIDENCE, ETC.

Sect.		Sect.	
45.	Depositions for other states.	76.	Records, etc., of Departments of Commonwealth, etc.
75.	Re Admissibility in evidence of unattested copies of Rules and Regulations, etc.	79.	Records of hospitals.
		79A.	Photographic copies as evidence.

Section 45. (*Witnesses and Evidence, Deposition for other States.*) A person may be summoned and compelled, in like manner and under the same penalties as are provided for a witness before a court, to give his deposition in a cause pending in a court of any other state or government. Such deposition may be taken before a justice of the peace or a notary public in the commonwealth, or before a commissioner appointed under the authority of the state or government in which the action is pending. If the deposition is taken before such commissioner, the witness may be summoned and compelled to appear before him by process from a justice of the peace or a notary public in the commonwealth.

Amended Ch. 71, Sec. 7, Acts 1932.

Section 75. *Re Admissibility in Evidence of Unattested Copies of Rules and Regulations, etc.*) The printed copies of all statutes, acts and resolves of the commonwealth, public or private, which are published under its authority, and copies of the ordinances of a city, the by-laws of a town or of the rules and regulations of a board of aldermen, if attested by the clerk of such city or town, shall be admitted as sufficient evidence thereof in all courts of law and on all occasions. Printed copies of rules and regulations purporting to be issued by authority of any department, commission, board or officer of the commonwealth or of any city or town having authority to adopt them, or printed copies of any city ordinances or town by-laws, shall be admitted without certification or attestation, but, if their genuineness is questioned, the court may require such certification or attestation thereof as it deems necessary.

Amended by Ch. 190, Acts 1943.

Section 76. (*Records, etc. of Departments of Commonwealth, etc.*) Copies of books, papers, documents and records in any department of the commonwealth or of any city or town, authenticated by the attestation of the officer who has charge of the same, shall be competent evidence in all cases equally with the originals thereof; provided, that, except in the case of books, papers, documents and records of the department of public utilities

in matters relating to common carriers, the genuineness of the signature of such officer shall be attested by the secretary of the commonwealth under its seal or by the clerk of such city or town, as the case may be.

SECTION 79. (*Records of Hospitals.*) Records kept by hospitals under section seventy of chapter one hundred and eleven shall be admissible as evidence in the courts of the commonwealth so far as such records relate to the treatment and medical history of such cases and the court may, in its discretion, admit copies of such records, if certified by the persons in custody thereof to be true and complete; but nothing therein contained shall be admissible as evidence which has reference to the question of liability. Copies of photographic or microphotographic records so kept by the hospitals, when duly certified by the person in charge of the hospital, shall be admitted in evidence equally with the original photographs or microphotographs.

Amended Ch. 233, Acts 1943.

SECTION 79A. (*Photographic Copies as Evidence.*) (*Public Records.*) Copies of public records, of records described in sections five, seven and sixteen, respectively, of chapter sixty-six, and of records of banks, trust companies and hospitals, whether or not such records are made by the photographic or microphotographic process, shall, when duly certified by the person in charge thereof, be admitted in evidence equally with the originals.

CHAPTER 234

QUALIFICATIONS AND EXEMPTIONS

SECTION 1. (*Qualifications and Exemptions.*) (*Juries.*) A person qualified to vote for representatives to the general court, whether a registered voter or not, shall be liable to serve as a juror, except that the following persons shall be exempt:

The governor; lieutenant governor; members of the council; state secretary; members and officers of the senate and house of representatives during a session of the general court; judges and justices of a court; county commissioners; clerks of courts and assistant clerks and all regularly appointed officers of the courts of the United States and of the commonwealth; registers of probate and insolvency; registers of deeds; sheriffs and their deputies; constables; marshals of the United States and their deputies, and all other officers of the United States; attorneys at law; settled ministers of the gospel; officers of colleges; preceptors and teachers of incorporated academies; registered practicing physicians and surgeons; persons over seventy years of age; persons under twenty-five years of age; members of the volunteer militia; members of the Ancient and Honorable Artillery Company; superintendents, officers and assistants employed in or about a state hospital, insane hospital, jail, house of correction, state industrial school or state prison; keepers of lighthouses; conductors and engine drivers of railroad trains; teachers in public schools; enginemen and members of the fire department of Boston, and of other cities and towns in which such exemption has been made by vote of the city council or the inhabitants of the town, respectively.

Amended 1936, Ch. 25.

CHAPTER 260

LIMITATION OF ACTION

SECT.
1. Limitation of personal actions.
7. Limitations of actions, disability.
SECT.
25. Disabilities: i.e. minor, insane, etc.
27. Successive disabilities.

SECTION 1. (*Limitation of Personal actions.*) The following actions shall be commenced only within twenty years next after the cause of action accrues.

Fifth, Actions under section ninety-six of chapter one hundred and twenty-three to recover for the support of inmates in state institutions.

SECTION 7. (*Limitations of Actions, Disability.*) If the person entitled thereto is a minor, or is insane or imprisoned when a right to bring an action first accrues, the action may be commenced within the time hereinbefore limited after the disability is removed.

SECTION 25. (*Disabilities; i.e. Minor, Insane, etc.*) If, when such right of entry or of action first accrues, the person entitled thereto is a minor, or is insane, imprisoned or absent from the United States, he, or a person claiming under him, may make the entry or commence the action within ten years after such disability is removed.

SECTION 27. (*Successive Disabilities.*) If, when such right of entry oh of action first accrues, the person entitled thereto is under any of suer disabilities and dies without having recovered the premises, no further time for making such entry or commencing such action than is hereinbefore prescribed shall be allowed by reason of the disability of any other person.

CHAPTER 262

FEES OF CERTAIN OFFICERS

SECT.
50. Salaried Officers not to be paid fees, except, etc.
53. Certain officers, witness.
56. Certain public officers not entitled to witness fees.

SECTION 50. (*Salaried Officers not to be paid Fees, Except, etc.*) (*Fees.*) No officer in attendance on any court, sheriff, deputy sheriff, jailer, constable, city marshal or other police officer who received a salary or an allowance by the day or hour from the commonwealth or from a county, city or town shall, except as otherwise hereinafter provided, be paid any fee or extra compensation for official services performed by him in any criminal case; or for aid rendered to another officer; or for testifying as a witness in a criminal case during the time for which he receives such salary or allowance; or for services or as a witness at an autopsy or inquest; or in proceedings for commitment of insane persons; but his expenses, neccssarily and actually incurred, and actually disbursed by him in a criminal case tried in the superior court, shall, except as provided in section fifty-two, be paid by the county where the trial is held, or in a criminal case tried in a district court or before a trial justice, by the town where the crime was committed. Whoever reccives extra compensation or a witness fee in violation of this section shall be punished by a fine of not more than one hundred dollars.

SECTION 53. (*Certain Officers.*) (*Witness.*) Any officer named in section fifty who attends as a witness at a place other than his residence shall, instead of his expenses, be allowed the witness fee in the court or before the trial justice where he testifies. A police officer on duty at night who attends the superior court as a witness for the commonwealth shall be paid the same fees as any other witness. A police officer who is a witness for the commonwealth, and who under the direction of the district attorney aids in securing the attendance of other witnesses, may receive, instead of his expenses, witness fees for one day's attendance. Any police officer named in section fifty, except a police officer of the city of Boston, who attends as a witness in a criminal case pending in a district court or before a trial justice and who by reason of a continuance or postponement thereof at the request of the defendant, is required to again attend, shall, if not on duty, be paid for such further attendance the same fee as other witnesses. Police officers shall serve subpoenas upon witnesses when re-

quested by the district attorney, and their returns of service shall have the same force and effect as the return of a deputy sheriff or constable.

Amended Acts 1936, Ch. 251.

SECTION 56. (*Certain Public Officers not Entitled to Witness Fees, etc.*) Except as otherwise provided, an officer of the commonwealth whose salary is fixed by law, or any employee of the commonwealth receiving regular compensation therefrom, other than a police officer of the metropolitan district commission, shall not be entitled to a witness fee before any court or trial justice in a cause in which the commonwealth is a party. An officer whose compensation is derived solely from fees shall not be entitled to receive more than one fee as a witness for a day's attendance on court under one or more summonses in behalf of the commonwealth, and the said fee shall be apportioned by the clerk among the cases in which he is summoned. Nothing in this section shall be construed to authorize the payment of a witness fee to any member of the police department of said commission if he is on duty at the time of his attendance on court as a witness.

CHAPTER 265

RAPE

SECT.
22. Rape.
23. Rape of child.
24. Assault with intent to commit rape.

SECTION 22. (*Rape.*) Whoever ravishes and carnally knows a female by force and against her will shall be punished by imprisonment in the state prison for life or for any term of years.

SECTION 23. (*Rape of Child.*) Whoever unlawfully and carnally knows and abuses a female child under sixteen shall be punished by imprisonment in the state prison for life or for any term of years, or, except as otherwise provided, for any term in any other penal institution in the commonwealth.

SECTION 24. (*Assault with Intent to Commit Rape.*) Whoever assaults a female with intent to commit a rape shall be punished by imprisonment in the state prison for life or for any term of years or by a fine of not more than one thousand dollars and imprisonment in jail for not more than two and one half years.

CHAPTER 266

SECTION 123. (*Trespassing upon Land of certain institutions.*) Whoever wilfully trespasses upon land or premises belonging to the commonwealth and appurtenant to the state prison, state prison colony, Massachusetts reformatory, reformatory for women, state farm, Tewksbury state hospital and infirmary, any public institution for the care of insane, feeble-minded or epileptic persons, any Massachusetts training school, state charitable institution, or upon land or premises belonging to any county and appurtenant to a jail or house of correction, or, after notice from an officer of any of said institutions to leave said land, remains thereon, shall be punished by imprisonment for not more than three months or by a fine of not more than fifty dollars.

Amended Ch. 344, Sec. 27, Acts 1941.

CHAPTER 268

CRIMES AGAINST PUBLIC JUSTICE

SECT.
12. Bribery of officer of public institution.
27. Penalty for furnishing intoxicating liquors to patients in public institutions.

SECTION 12. (*Bribery of Officer of Public Institution.*) An officer connected with a prison, house of correction, state hospital or other public

charitable institution who is personally interested, directly or indirectly, in a contract, purchase or sale made on account of such institution, or who corruptly accepts a bribe, present or gratuity from any person interested in such contract and a person interested, directly or indirectly, in a contract connected with any such institution who corruptly gives, offers or promises to an officer of such institution a bribe, gift or gratuity, shall be punished by imprisonment in the state prison for not more than three years or by a fine of not more than one thousand dollars or by imprisonment in jail for not more than two years or by both such fine and imprisonment in jail.

SECTION 27. (*Penalty for furnishing alcoholic beverages to patients in public institutions.*) Whoever gives, sells or delivers any alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, to any patient or inmate of any public institution, or to any patient or inmate under the control of any such institution, except under the direction of a physician authorized so to do, and whoever has in his possession within the precincts of any such institution any such beverages with intent to consume the same or to convey, give, sell or deliver the same to any patient or inmate thereof, except under direction as aforesaid, shall be punished by a fine of not more than fifty dollars or by imprisonment for not more than two months.

Amended Ch. 328, Sec. 25, Acts 1934.

CHAPTER 270

CRIMES AGAINST PUBLIC HEALTH

SECTION 5. (*Sale or delivery of Alcoholic Beverages to Patients in Certain Hospitals Forbidden.*) Whoever, except under the direction of a physician, gives, sells or delivers alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, or a narcotic drug to a patient in any hospital who is suffering from inebriety, or from the effect of inebriety, or from the excessive use of narcotic drugs or from the effect of such use, and whoever has in his possession within the precincts of any hospital any such beverage or drug with intent to convey or deliver it to any such patient, except under direction as aforesaid, shall be punished by a fine of not more than fifty dollars or by imprisonment for not more than two months.

Amended Acts 1934, Ch. 328, Sec. 27.

CHAPTER 272, GENERAL LAWS

CRIMES AGAINST CHASTITY, MORALITY, DECENCY AND ORDER

SECT.		SECT.	
5.	Penalty for carnal knowledge of idiot, etc.	34.	Sodomy and buggery.
11.	Evidence and limitations.	35.	Unnatural and lascivious acts.
33.	Exhibition of deformities.	98B.	To prevent discrimination of employment on Public Works, etc.

SECTION 5. (*Penalty for carnal knowledge of idiot, etc.*) Whoever has unlawful sexual intercourse with a female who is feeble-minded, an idiot or imbecile, under circumstances which do not constitute rape, shall, if he had reasonable cause to believe that she was feeble-minded, an idiot or imbecile, be punished as provided in section three.

SECTION 11. (*Evidence and Limitation.*) A person shall not be convicted under sections two to six, inclusive, upon the evidence of one witness only, unless his testimony is corroborated in a material particular, and prosecution for a violation of any of said sections shall not be commenced more than one year after the commission of the crime.

SECTION 33. (*Exhibition of Deformities.*) Whoever exhibits for hire a minor or insane person who is deformed or a person who has an appearance of deformity produced by artificial means shall be punished by a fine of not more than five hundred dollars.

SECTION 34. (*Sodomy and Buggery.*) Whoever commits the abominable and detestable crime against nature, either with mankind or with a beast, shall be punished by imprisonment in the state prison for not more than twenty years.

SECTION 35. (*Unnatural and Lascivious acts.*) Whoever commits any unnatural and lascivious act with another person shall be punished by a fine of not less than one hundred nor more than one thousand dollars or by imprisonment in the state prison for not more than five years or in jail or the house of correction for not more than two and one half years.

SECTION 98B. (*To prevent discrimination in employment on Public Works, etc.*) Whoever, knowingly and wilfully, employs discriminatory practices in the administration or giving of employment on public works or projects, or in the dispensing or giving of public relief or public welfare or any public benefit, because of race, color, religion or nationality, shall be punished by a fine of not more than one hundred dollars.

Inserted by Ch. 170, Acts 1941.

CHAPTER 276
RE PERSONS CHARGED WITH CERTAIN SEX CRIMES

SECTION 57. Second paragraph—If it appears that any such prior criminal prosecution was for an offence committed in violation of any provision of sections twenty-two to twenty-four, inclusive, of chapter two hundred and sixty-five or section thirty-four or thirty-five of chapter two hundred and seventy-two the court shall, before the amount of bail is fixed, obtain from the department of mental health a report containing all information in its possession relative to the prisoner, particularly with respect to any mental disease or defect with which he may have been afflicted; and said department shall furnish any such report to the court promptly upon its request.

Added by Ch. 330, Acts 1943.

CHAPTER 277
INDICTMENTS AND PROCEEDINGS, ETC.

SECTION 16. (*Commitment if not indicted for insanity.*) If the grand jury does not indict a person who is held in custody on a charge of crime by reason of his insanity, they shall so certify to the court, which, if satisfied that he is insane, may order him committed to a state hospital, except the Bridgewater state hospital, under such limitations as it may order; or, if the court finds that he has been a criminal or is of vicious tendency, it may order him committed to the Bridgewater state hospital, and if he is charged with felony his expenses in any such hospital or in any state charitable institution to which he may be transferred shall be paid by the commonwealth.

CHAPTER 278
TRIALS AND PROCEEDINGS, ETC.

SECTION 13. (*Commitment of Person Acquitted by Reason of Insanity.*) If a person charged with crime other than murder or manslaughter is acquitted by the jury by reason of insanity, the jury shall state that fact to the court, which, if satisfied that he is insane, may, under such limitations as it deems proper, order him committed to a state hospital,

except the Bridgewater state hospital; but such person, if a male, or any person coming within the provisions of section one hundred or one hundred and one of chapter one hundred and twenty-three, may be committed or removed to Bridgewater state hospital if, in the opinion of the court, he has been a criminal or is of vicious tendency; and if he has been held on a charge of felony, the expense of his support in any such hospital or in any state charitable institution to which he may be transferred shall be paid by the commonwealth. The court may at any time revise or revoke the order of commitment as it may deem proper.

Chapter 279
JUDGMENT AND EXECUTION

Sect. 47. Insane person or woman quick with child not to be sentenced.
Sect. 48. Respite of execution in such cases.

Section 47. (*Insane person or woman quick with child not to be sentenced.*) If a person convicted of a capital crime is, at the time when motion for sentence is made, found by the court to be insane, it may cause such person to be removed to one of the state hospitals for such term and under such limitations as it may order. If a woman convicted of a capital crime is, at the time when motion for sentence is made, found by the court to be quick with child, the court shall not pass sentence upon her until it finds that she is no longer quick with child.

Section 48. (*Respite of execution in such cases.*) If it appears to the satisfaction of the governor and council that a convict under sentence of death has become insane, the governor, with the advice and consent of the council, may, from time to time for stated periods, respite the execution of said sentence, until it appears to their satisfaction that the convict is no longer insane. If it appears to the satisfaction of the governor and council that a female convict under sentence of death is quick with child, the governor, with the advice and consent of the council, shall from time to time respite the execution of said sentence for stated periods until it appears to their satisfaction that she is no longer quick with child.

SPECIAL LAWS
ACTS, SPECIAL SESSION, 1942
Chapter 7

An Act Authorizing the Withholding from the Compensation Payable to Employees of the Commonwealth or any of its Political Subdivisions of Amounts Designated by Such Employees for the Purchase for Them of United States Defense Bonds.

Whereas, the deferred operation of this act would tend to defeat its purpose, which is to encourage the immediate purchase of United States Defense Bonds by certain public employees, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The treasurer or other official having charge of the pay rolls of the commonwealth or any of its political subdivisions may withhold on each pay day such amount of the compensation of any employee on such pay roll as may be specified by a writing, signed by the employee and filed with said treasurer or other official, for the purchase of such employee of defense bonds issued by the federal government. Such withholding of the compensation of any employee shall cease upon the filing by him with said treasurer or other official of a writing requesting such cessation. That

portion of the compensation withheld or to be withheld under this act shall not be attached or taken upon execution or other process.

Approved January 31, 1942.

Chapter 16

An Act to Provide for the Temporary Re-Employment of Former Officers and Employees of the Commonwealth or of any Political Subdivision Thereof During the Continuance of the Existing State of War Between the United States and any Foreign Country.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make available to the commonwealth and its political subdivisions the services of retired officers and employees thereof during the existing state of war, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. Be it enacted, etc., as follows:

Section 1. Any former officer or employee of the commonwealth or of any political subdivision thereof who has been retired under any retirement or pension law, or who has been separated from the public service by reason of superannuation or disability without receiving a retirement allowance or pension, may be employed in the service of any department, board or commission of the commonwealth or of any political subdivision thereof. No such person shall be employed by any appointing officer of a county, city, town or district except with the written approval of the county commissioners, the mayor or, in the city of Cambridge, the city manager, the selectmen or the prudential committee or other governing body in districts, as the case may be; provided, that no such approval shall be necessary in the case of a person formerly employed by the school committee and employed by such committee under authority of this act. The written approval of the director of civil service shall also be required for each appointment to any position or employment subject to chapter thirty-one of the General Laws. Any person so employed shall receive full compensation for such services less any retirement allowance or pension received by him; provided, that any such person employed by the city of Boston or by the county of Suffolk may be paid such compensation as may be determined by the department head with the written approval of the mayor of said city.

Section 2. The retirement rights of any person employed under authority of section one shall not be affected by such employment. No deductions for retirement purposes shall be made from compensation paid to such persons while so employed, and section ninety-one of chapter thirty-two of the General Laws and comparable provisions of other retirement laws shall not be applicable to such persons. All persons employed under authority of section one in positions or employments subject to chapter thirty-one of the General Laws shall be subject to said chapter thirty-one and the rules and regulations made thereunder except that the provisions thereof dealing with examinations and certifications and appointments to and separations from the service shall not apply to such persons.

Section 3. This act shall remain in effect during the continuance of the existing state of war between the United States and any foreign country, and employments hereunder shall not extend beyond the effective period of this act.

Approved January 31, 1942.

REFERENCES TO OTHER LAWS

ACTS 1941

CHAPTER 708

An Act to Meet Certain Contingencies Arising in Connection With the Service of Public Officers and Employees and Certain Other Persons in the Military or Naval Forces of the United States During the Present National Emergency.

Amended Acts 1943, Ch. 548.

ACTS 1943

CHAPTER 214

An Act Authorizing Certain State, County and Municipal Officers, During The Existing State of War, To Exchange, Loan or Sell Publicly Owned Personal Property For Use By The United States Government In The Prosecution of The War.

ACTS, 1943

Amending Ch. 94, G.L.

CHAPTER 241

Re Quality of Coal Offered for Sale in Commonwealth.

REGULATIONS
OF
DEPARTMENT OF MENTAL HEALTH

The following regulations are promulgated for the guidance of all institutions under the supervision of the Department of Mental Health under authority of Chapters 19 and 123 of the General Laws of the Commonwealth.

The application of each regulation is designated at the top, under the headings "all institutions", "state institutions" or "licensed institutions".

Regulations are to be filed in the office of each institution and are subject to inspection by representatives of the Department of Mental Health.

These regulations supersede previous ones dealing with similar subjects.

CLIFTON T. PERKINS, M.D., *Commissioner*

Regulation No. 1 **State Institutions**

HOSPITAL DISTRICTS

Ref. G. L. 123 §10.

The following districts are hereby assigned to the various State Hospitals and Schools, and patients will be committed to the hospital serving the district in which they reside, except that in the case of the Boston State Hospital the Department may make temporary rulings as the situation demands. For reasons deemed sufficient the Department at its discretion may issue a waiver to a judge or justice to commit to a hospital other than the one which ordinarily serves the district from which the commitment is to be made.

BOSTON PSYCHOPATHIC HOSPITAL—Admissions for limited periods are from the Metropolitan area. Other admissions or commitments may be made only upon authorization by the Department.

BOSTON STATE HOSPITAL—Commitments to this hospital are limited to persons who have been residents of the City of Boston for twelve years or more immediately preceding the date of commitment.

DANVERS STATE HOSPITAL—The district includes Essex County; Chelsea, Revere, and Winthrop in Suffolk County.

FOXBOROUGH STATE HOSPITAL—The district includes Avon, Bellingham, Canton, Foxborough, Franklin, Medway, Millis, Plainville, Norfolk, Sharon, Stoughton, Walpole and Wrentham in Norfolk County. However, admissions may be made to either the Foxborough or Taunton State Hospitals from Attleboro, Mansfield, North Attleboro, and Norton in Bristol County; Bridgewater, Brockton, East Bridgewater, Halifax and West Bridgewater in Plymouth County.

GARDNER STATE HOSPITAL — The district includes Erving, New Salem, Orange, Warwick and Wendell in Franklin County; Ashburnham, Athol, Fitchburg, Gardner, Hubbardston, Leominster, Lunenburg, Petersham, Phillipston, Royalston, Templeton, Westminster and Winchendon in Worcester County; Ashby, Ayer, Boxborough, Groton, Littleton, Pepperell, Shirley, Townsend and Westford in Middlesex County.

GRAFTON STATE HOSPITAL—The district includes Blackstone, Charlton, Douglas, Dudley, Grafton, Hopedale, Mendon, Milford, Millville, Northbridge, Oxford, Southbridge, Sturbridge, Uxbridge, Webster, and Upton in Worcester County. Admissions from other localities may be authorized by the Department.

MEDFIELD STATE HOSPITAL—The district includes Braintree, Cohasset, Dedham, Dover, Holbrook, Medfield, Milton, Needham, Norwood, Quincy, Randolph, Wellesley, Westwood and Weymouth in Norfolk County. Commitments from other localities may be authorized by the Department.

Metropolitan State Hospital—The district includes Everett, Malden, Medford, Melrose, Wakefield, Waltham, Watertown and Weston in Middlesex County.

Monson State Hospital—Admissions are limited to epileptics from any part of the state. The provisions of Secs. 69 and 87 of Chapter 123 of the General Laws apply to this hospital.

Northampton State Hospital—The District includes Berkshire County; Franklin County except the towns of Erving, New Salem, Orange, Warwick and Wendell; Hampshire County except the town of Ware; and Hampden County except the towns of Brimfield, Holland, Monson, Palmer, Wales and Wilbraham.

Taunton State Hospital—The district includes the counties of Barnstable, Dukes, Nantucket, all of Bristol and Plymouth except that admissions may be made to either Taunton or Foxborough State Hospitals from Attleboro, Mansfield, North Attleboro and Norton in Bristol County and Bridgewater, Brockton, East Bridgewater, Halifax and West Bridgewater in Plymouth County.

Westborough State Hospital—The district includes the towns of Northborough, Southborough and Westborough in Worcester County; Arlington, Ashland, Belmont, Cambridge, Framingham, Holliston, Hopkinton, Hudson, Marlborough, Natick, Newton, Sherborn, Somerville, Sudbury, Wayland in Middlesex County.

Worcester State Hospital—The district includes Ware in Hampshire County; Brimfield, Holland, Monson, Palmer, Wales and Wilbraham in Hampden County; Brookline in Norfolk County; Acton, Bedford, Billerica, Burlington, Carlisle, Chelmsford, Concord, Dracut, Dunstable, Lexington, Lincoln, Lowell, Maynard, North Reading, Reading, Stoneham, Stow, Tewksbury, Tyngsborough, Wilmington, Winchester and Woburn in Middlesex County; Auburn, Barre, Berlin, Bolton, Boylston, Brookfield, Clinton, East Brookfield, Hardwick, Harvard, Holden, Lancaster, Leicester, Millbury, New Braintree, North Brookfield, Oakham, Paxton, Princeton, Rutland, Shrewsbury, Spencer, Sterling, Sutton, Warren, West Boylston, West Brookfield and Worcester in Worcester County.

Belchertown State Hospital—No district assigned

Walter E. Fernald State School—No district assigned.

Wrentham State School—No district assigned.

Regulation No. 2 **All Institutions**

ADMISSION OF PATIENTS

Ref. G.L. 123, §§24, 54, 81.

Item 1 Admission papers shall be checked for validity before a patient is accepted for admission.

Item 2 Each newly admitted patient shall be assigned a serial number and an individual case record shall be begun.

Item 3 Promptly after admission, each newly admitted patient shall receive a physical examination and mental examination.

Item 4 Within two (2) days after admission of an insane patient, the hospital shall notify all persons whose addresses appear upon the papers of admission, plus any two persons whom the patient may designate.

Item 5 Accurate copies of papers of admission shall be promptly forwarded to the Department. (This need not be done in the case of patients received by transfer from a mental institution within the state.) There shall likewise be forwarded a copy of the report to court at conclusion of observation and copies of papers author-

izing the patient's further detention after any change of legal status.

Item 6 Weekly returns shall be filed with the Department showing by name each newly admitted patient and any change in legal status of any patient.

Regulation No. 3 — **All Institutions (except Monson State Hospital and the Schools for the Feebleminded)**

VOLUNTARY PATIENTS

Ref. G.L. 123, § 86.

Item 1 Voluntary admissions to any institution are restricted to persons suffering from disorders within classification which that institution may receive by legal commitment.

Item 2 In order to be admitted on voluntary status a patient must:
- *a.* Be desirous of submitting himself to treatment.
- *b.* Make written application for such treatment.
- *c.* Be mentally competent to make application.
- *d.* Be deemed unlikely to require restraint or forceful detention.
- *e.* Be deemed unlikely to become dangerous to others.

Item 3 The application for voluntary admission of a minor must be countersigned by parent or guardian.

Item 4 A person applying for voluntary admission shall have explained to him the provisions of Section 86, Chapter 123, of the General Laws. In the case of a minor the same provisions shall be explained to the parent or guardian.

Item 5 Should the mental condition of a voluntary patient, in the opinion of the superintendent, so change as to render him unable to meet the criteria outlined in Item 2 of this regulation, or should a voluntary patient, who in the opinion of the superintendent would be dangerous if released, signify his intent to leave the hospital, action must be taken in compliance with the provisions of Section 86, Chapter 123, General Laws.

Item 6 A voluntary patient shall not be detained beyond the period of one year without the approval of the Department.

Item 7 This regulation does not apply to Monson State Hospital nor to the schools for the feebleminded.

Regulation No. 3A — **Monson State Hospital**

VOLUNTARY PATIENTS

Ref. G.L. 123, § 87.

Item 1 Voluntary admissions to the Monson State Hospital are restricted to persons suffering from epilepsy and are admitted in accordance with Section 87 of Chapter 123.

Item 2 In order to be admitted on Voluntary status a patient must:
- *a.* Be desirous of submitting himself to treatment.
- *b.* Make written application therefor.
- *c.* Be mentally competent to make application.
- *d.* Be certified by a qualified physician that he is suffering from epilepsy.

Item 3 *a.* Children under thirteen years of age who make application for voluntary admission, or for whom admission is sought by either parent, relative, friend, or guardian, the application blank must be signed by the parent, relative, friend, or guardian.

b. Children between thirteen and twenty-one years of age who make application for admission, the blank must be signed by both the patient, and either parent, relative, friend, or guardian.

c. Children over thirteen who are unable to make application in an understanding manner are not permitted to be admitted on voluntary status. In these cases commitment under Section 69, Chapter 123, should be made.

Item 4 Voluntary patients may be allowed to leave the hospital on Status of Visit for one year. Renewals of visit may be made by the patient returning to the hospital as an "in patient" for not less than twenty-four hours.

Item 5 Should the state of epilepsy or mental condition associated with epilepsy so change as to render the patient unsuitable to continue on Voluntary Status, commitment as either a Dangerous Epileptic or Insane Epileptic should be sought.

Regulation No. 4 **All Institutions**

CONCERNING PREVENTIVE MEDICINE

Ref. G.L. 111

Item 1 All new employees shall be given such mental and physical examination as may be deemed necessary by the superintendent to safeguard the interests of both patients and employees.

Item 2 *Typhoid Fever*

a. Regardless of age, all patients admitted to any state institution under the Department of Mental Health and all new employees in such institutions shall receive anti-typhoid inoculations according to methods authorized and approved by the Massachusetts Department of Public Health.

b. All persons who have been so inoculated and who continue to reside at or work in the hospital shall be re-inoculated at regular intervals. (See State Health Department: Refer Department of Public Health letter of recommendations, March 2, 1942, paragraph 4, or subsequent revisions.)

c. Exceptions to this regulation can be made only by the superintendent, to be based entirely on the physical condition of the person.

d. Anti-typhoid inoculations need not be given to persons who submit satisfactory medical evidence of inoculation within the prescribed period.

Item 3 *Small Pox*

a. Regardless of age, all persons in the state institutions under this Department not showing evidence of a successful vaccination shall be vaccinated and revaccinated against small pox until a "take" or a typical reaction indicative of immunity is obtained. Thereafter revaccination will be indicated only in the presence of an epidemic.

Item 4 *Diphtheria*

a. All patients under the age of twelve years shall be immunized against diphtheria with diphtheria toxoid without a preliminary Schick test.

b. Patients between the ages of twelve and eighteen shall be Schick tested. All showing a positive reaction shall be immunized with toxin-antitoxin.

c. Methods used for immunization shall be those approved by the Department of Public Health.

Item 5 Members of employees' families living on the institution grounds may be given preventive vaccination and inoculation without charge by the institution staff members.

Item 6 No person known to have active tuberculosis shall be permitted to assist in the serving or preparation of food to those not suffer-

ing from such disease. (Refer to Regulation State Health Department relative to Diseases Dangerous to the Public Health.)

Item 7 A person with open lesions of syphilis shall be isolated until such lesions have been healed by active anti-syphilitic therapy.

Item 8 No person shall be used as a blood donor except in conformity with the regulations of the Department of Public Health. (Refer to Department of Public Health Regulations relative to transfusions.)

Item 9 Every employee shall be given an x-ray of the chest and indicated physical examination prior to going on regular duty on a ward for the care of tuberculosis patients and every six months thereafter while so employed. No employee should be permitted to work on a tuberculosis ward who has a negative tuberculin test.

Item 10 All cases of blindness as defined in Chapter 69, Section 19A, General Laws, as amended shall be reported to the Division of the Blind within thirty days of admission, in the form required by that Division.

Item 11 Any epidemic of communicable disease occurring in an institution shall be reported to the district health officer and to the Department forthwith.

Item 12 Any instance of "Reportable Disease" occurring within an institution shall be reported to the local board of health forthwith, in accordance with Chapter 111, Section 111, of the General Laws.

Item 13 Any outbreak presumably due to food poisoning, or any unusual prevalence of disease characterized by fever and gastro-intestinal symptoms shall be reported to the local Board of Health and to the State District Health Officer.

Item 14 In any case where death has occurred from a contagious disease dangerous to health, the preparation and disposal of the remains shall be made in accordance with the regulations of the Department of Public Health. (Refer to Department of Public Health Regulations relative to conveyance of bodies dead of disease dangerous to the public health.)

Regulation No. 5 **All Institutions**

REPORTS OF INJURIES, MEDICO-LEGAL DEATHS, AND OTHER DEATHS

Item 1 Certain injuries shall be reported to the Department at once on D.M.H. Form No. 36. These include injuries occurring prior to admission, the effects of which are still present.

a. Any fracture.
b. Any dislocation of a major joint.
c. Any traumatic injury which is serious, disfiguring, or impairs function of the part to any significant extent.
d. Any serious accidental or self-inflicted injury. This includes ingestion of noxious chemicals or dangerous substances or suicidal attempts.
e. Any serious burns, scalds, or frostbites.
f. Any illness or injury resulting from exposure.
g. Any serious internal injury, evident or suspected.

Item 2 Certain injuries shall be reported to the Commissioner of Public Safety and the local police authorities in addition to report to the D.M.H.

a. Gunshot wounds.
b. Bullet wounds.
c. Powder burns.

d. Any injury due to discharge of a firearm, B.B. gun or other Air Rifle. (Refer Chapter 112, Section 12A.)

Item 3 Certain cases of death shall be reported to the Medical Examiner and to the Pathologist of the Department.

a. All suicides.
b. Death due to violence or suspected violence.
c. Sudden death.
d. Death occurring within twenty-four hours after admission to the hospital.
e. Death occurring within one year after any serious injury or fracture which is deemed as possibly contributory to death.
f. Death by septicemia resulting from traumatism.
g. Death following abortion or miscarriage.
h. Death due to action of chemical (drugs or poisons) thermal or electrical agents.
i. Death from disease resulting from injury or infection related to occupation.
j. Death occurring during an operation.

Item 4 The pathologist of the Department shall be notified at once by telephone or telegraph of each death occurring within the hospital as enumerated in Item 3. The pathologist shall be notified irrespective of acceptance of the case by the medical examiner. The pathologist shall also be notified of suicides occurring outside of the hospitals, of patients who are on escape, absence, or visit.

Item 5 All deaths coming within the jurisdiction of the Medical Examiner and/or the Pathologist of the Department shall be reported to the Department at once on D.M.H. Form No. 37. Abstract of the case and copy of the death certificate shall accompany this report. Supplementary report should be filed covering any subsequent findings of importance.

Regulation No. 6 **All Institutions**

SECLUSION, RESTRAINT, PACKS, CONTINUOUS BATHS

Ref. G.L. 123, §§ 35, 36, 37, 38.

Item 1 Seclusion

a. A patient is considered to be in seclusion at any time between the hours of 6 A.M. and 8 P.M., when alone in a room, the door of which cannot be opened from the inside.
b. No order for seclusion shall be issued to cover a period of more than twelve hours.
c. All patients in seclusion shall be visited at least once every hour.
d. Records of seclusion shall be promptly transcribed in the book for this purpose in accordance with law.

Item 2 Mechanical Restraint

a. Anything, except orthopedic appliances, surgical dressings, hydrotherapeutic measures, procedures necessary for the administration of food or medicine, interfering with the free movement of a patient shall constitute mechanical restraint.
b. Restraint shall be applied only in cases of:
(1) Extreme violence.
(2) Active homicidal or suicidal condition.
(3) Physical exhaustion.
(4) Infectious disease.
(5) Following an operation or accident which has caused serious bodily injury.
c. No order for restraint shall be issued to cover a period of more than twelve hours. Patients in restraint shall be removed at least once in four hours.

d. Records of restraint shall be promptly transcribed in the book provided for this purpose in accordance with law.

Item 3 Therapeutic and Chemical Restraint

Any drug or chemical given in sufficient dosage to prevent the free action of a patient with the sole purpose of controlling restlessness, extreme violence, assaultiveness, destructiveness or suicide shall be considered therapeutic or chemical restraint.

Item 4 Packs and Continuous Baths

a. No patient shall be placed in a pack or continuous bath except for therapeutic reasons and upon the written order of a physician.

b. All patients under treatment in a pack or continuous bath shall be under constant supervision and attendance by a hydrotherapist or trained attendant.

c. A "dry pack" shall not be used in the restraint or treatment of patients.

Regulation No. 7 **State Institutions**

ESCAPE

Ref. G.L. 123, §§ 74, 88, 88A, 95, 106, 107, 108, 112; Chap. 116, Acts of 1939.

Item 1 Action to be taken at time of an escape

a. Prompt and vigorous measures shall be taken to secure the patient's return.

b. All phases of the search shall be under the coordinating supervision of the Superintendent or of an officer designated by him.

c. Relatives, guardian or other interested parties shall be notified promptly, preferably by telephone or telegram at the time of escape, and subsequently by letter.

d. Local and state police must be notified, if in the opinion of the Superintendent the patient is dangerous to be at large, or if he is committed under the provisions of Sections 100 to 104, inclusive, and is not eligible for release under provisions of Section 105. The Department shall also be notified immediately of the escape of any such patients.

e. A patient in family care is to be considered an inmate of the supervising institution. If such a patient absents himself without permission he is to be declared on an escape status and the provisions of this regulation shall apply.

f. If a superintendent has been notified that a patient temporarily released under the provisions of Section 88, or 88A Chapter 123, has left the custody of the person to whom he has been released without permission, he may be considered on escape and the provision of this regulation may apply.

Item 2 Patients who have been placed on status of escape

a. A patient who is still absent at 12 o'clock midnight of the day of escape shall be recorded and reported as an escape.

b. Each escape shall be reported by name upon the weekly returns and upon the proper statistical card.

c. Accumulative records of escape shall be kept available at the hospital.

d. Any patient who is under sentence, indictment or complaint for rape, carnal knowledge of a female child under sixteen, assault with intent to rape, a crime against nature with mankind or with a beast, or any unnatural and lascivious act with another person, and who escapes, shall be reported promptly to the Department of Public Safety via the Department of Mental Health.

Item 3 Action to be taken at time patient is returned from escape

a. An escaped patient may be returned to the hospital without further court procedure any time prior to his actual discharge. Original commitment papers are valid.

b. A patient who has been discharged from escape may not be received by the hospital on the original commitment papers. New papers of admission are necessary.

c. Each patient returned from escape shall immediately receive a physical examination.

d. Wherever possible, any employee sent to return an escaped patient shall have the commitment papers in his possession at the time.

e. All parties, including police authorities, who were notified at the time of the patient's escape, shall be notified of his return to the hospital from escape.

Item 4 Discharge of Escaped Patients

a. A committed patient shall be discharged after one (1) year on escape status unless in the opinion of the Superintendent he was dangerous to be at large at the time of escape (see also Item 4B and 4C of this regulation.) He may be discharged earlier if there is obtained factual evidence of his death or under unusual circumstances, with the written approval of the Department.

b. A patient committed under provisions of Section 100, Section 103 or Section 104 may be discharged after one (1) year on escape status only if the complaint or indictment has been dismissed or nol prossed, or if the sentence has expired, as the case may be. Otherwise he must be continued on status of escape until these barriers to his discharge shall have been removed.

c. A patient committed under provisions of Section 101 may not be discharged from escape.

Regulation No. 8 **All Institutions**

TEMPORARY RELEASE, DISCHARGE AND PAROLE

Ref. G.L. 123, §§ 88–94 inclusive; § 105, Chap. 116, Oct. 1939.

Item 1 General

a. Within forty-eight hours prior to temporary release or discharge of a patient from any institution he must be given a mental examination, the results of which are to be recorded in the case record.

b. No patient who has been designated by the Department as under consideration for deportation to another state or country shall be released on any status without the consent of the Department.

c. Any patient who is or who has a record of having been under sentence, indictment or complaint for rape, carnal knowledge of a female child under sixteen, assault with intent to rape, a crime against nature with mankind or with a beast, or any unnatural and lascivious act with another person, shall be reported to the Department of Public Safety via the Department of Mental Health, when granted temporary release or discharge. Whenever possible such report should be made ten days prior to the patient's leaving the institution.

d. A patient committed under the provisions of Section 100 shall not be temporarily released or discharged except to court unless the superintendent has written notice from the court of jurisdiction that the complaint or indictment has been dismissed, or nol prossed.

e. A patient committed under provisions of Section 101, Chapter 123, General Laws, shall not be released from an institution on any status except by order of the Governor of the Commonwealth with the advice and consent of the Council.

f. A patient committed under provisions of Sections 103 or 104, Chapter 123, General Laws, shall not be released or discharged except to prison, unless the superintendent has written notice of expiration of sentence. Such proof shall be obtained from the Department of Correction, or from the penal institution to which the patient was sentenced.

Item 2 Absence

a. An "absence" is a duly authorized temporary release from the institution for a period of three (3) days or less. A release which is terminated before midnight of the same day shall not be considered an absence.

b. Record of each absence shall be kept at the institution.

c. Absences are not to be reported by name but must be shown in total numbers on the summary tables of weekly return.

d. Absences extending beyond three days shall be classified as visits and are to be reported by name on the weekly return as visits from the first day of absence.

Item 3 Visit

a. A "visit" is the temporary release of a patient to the community for a period of not less than four days or of not more than one year.

b. Record of visits shall be kept at the hospital.

c. Visits shall be reported by name upon the weekly return.

d. A patient on status of visit may be readmitted to the institution at any time within one year from the date of release without further court procedure. Original commitment papers are valid.

e. The usual method of release of an unrecovered patient shall be on status of visit. If the patient remains in the community he shall be carried on visit status for a full year, unless in the opinion of the superintendent there are circumstances which would make the earlier discharge of the patient desirable.

f. A patient leaving the institution against advice of the superintendent shall be placed on visit rather than discharged outright, except under unusual circumstances. Refer also to Item 5 of this regulation.

g. Readmission to the institution terminates a visit and duration of any subsequent visit is to be computed without reference to preceding visits.

h. A report by a patient to an institution or clinic does not interrupt continuity of visit.

i. A visit cannot be extended beyond one year. If the fitness of a patient for discharge is questionable, he should, prior to expiration of his year's visit, be returned to the institution for a period of observation and study of not less than one day. Thereafter, (in conformity with Sections 88–94 inclusive, Chapter 123, General Laws) he may be discharged outright or again placed on visit.

j. A patient shall not be released on status of visit to reside in another state without the approval of the Department.

Item 4 Discharge

a. "Discharge" is the complete release of the patient from the custody and jurisdiction of the institution.

b. Discharge of patients shall be reported by name on the weekly returns.

c. Each institution shall keep a record of all patients discharged therefrom.

d. There shall be a note in the case record of the patient, recording the discharge.

e. If the legal or natural guardian or any relative opposes the discharge of a patient, written notice shall be given to the person offering such opposition before the patient is allowed to leave the institution.

f. For statistical purposes the following notations shall be made on "discharges" viz: "Recovered", "Improved", "Unimproved", or "Without Psychosis", or "Dead".

g. Escaped patients (Reference Regulation No. 7).

Item 5 Section 90, Chapter 123, General Laws

a. This applies to any unrecovered patient who—

(1) is known to have committed, or to have attempted to commit, violence to others, or who

(2) is considered by the superintendent or manager to be dangerous to others or likely to become dangerous to others.

b. A patient to whom Section 90 applies shall not be released from an institution without the written approval of the Department. The intent of this statute is construed by the Department to be the protection of the public safety obtained through review of the case both by the institution and by the Department. The institution and the Department thus share the responsibility for the patient's release or further detention.

c. Request for approval to release under provisions of Section 90 must be put in writing by the superintendent and include a statement of the circumstances, abstract of the patient's record, estimate of possible danger to others and superintendent's recommendation regarding release. The data supplied by the hospital shall be as prescribed by the Department.

d. Final discharge of a patient who has completed a year's visit after release under provisions of Section 90, does not require approval of the Department.

Item 6 Parole (State Schools for Feebleminded)

a. In addition to the provisions for temporary release (Section 88) the state schools may release a patient on status of parole which is for an indefinite period without time limitation.

b. Record of each parole shall be kept at the institution.

c. Paroles shall be reported by name upon the weekly return.

d. A patient on parole status may have such parole revoked at any time by the superintendent, and the patient may be returned to the institution without further procedure. Original papers, whether "school" or "custodial" are valid.

e. No length of time out of the institution on parole shall be construed as a discharge therefrom.

f. While absent from an institution on parole a patient may be discharged at any time by the superintendent.

SERVICE OF LEGAL PROCESSES AND EXECUTION OF INSTRUMENTS

Item 1 Service of Legal Processes

a. State institutions or institutions licensed by the Department shall allow the service of any legal process upon order of a court of this Commonwealth or of a United States Federal court.

b. State institutions or institutions licensed by the Department shall upon order of proper court of other states or territories of the U. S. A., allow the service of process relative to

(1) Citations for probate of will.
(2) Letters of administration.
(3) Application for intermediate or final settlement of account of guardians or conservators.
(4) Final accountings in probate court.
(5) Papers relative to appointment of guardian or conservator.

c. Divorce libel from a court of another state or territory of the U. S. A. shall not be served upon the patient except by further order of a court of this Commonwealth directing such service.

d. At the time any process is served the superintendent or representative designated by him shall be present.

e. At the time of service of a process on any patient, the nature of the process, the date of the same, the name of the court from which the process issued and the date of actual service must be entered in the patient's case record, and a copy of the process as served, together with a copy of the Judge's order if there be one, must be retained in the patient's record.

f. An explanatory letter and a copy of the process shall be forwarded at once to the patient's conservator or guardian, if there is one, otherwise it is to be sent to the nearest known relative or next friend.

Item 2 Execution of Instruments by Patients

a. No patient commited in an institution under the Department of Mental Health or in an institution licensed by the aforesaid Department shall be permitted to make a will, to execute any contract, deed, mortgage or other legal conveyance, or sign any bill, check, bond, draft, promissory note, or other evidence of indebtedness.

b. Exceptions to Item 2a, are:

(1) Upon the written order of the Department or of a Judge of a Court in the Commonwealth of Massachusetts or of a Judge of a United States Federal Court, showing that the Judge had knowledge that the person whose signature is sought was an inmate of an institution for care and treatment of insane, mentally defective or epileptic at the time the order was issued.
(2) A patient in a state institution may endorce checks if the money is to be deposited in the office of the Institution Treasurer to be available for the patient's use.
(3) Applications, checks and documents relating to Old Age Assistance may be signed by the patient if in the opinion of the superintendent he is competent to do so.

Regulation No. 10 **All Institutions**

REPORTING OF CERTAIN PERSONS COMMITTED AS INSANE WHO POSSESS LICENCES AS FOLLOWS

Item 1 Immediate report shall be made to the Department in every case where a State institution under the Department of Mental Health or a private institution licensed by the Department received by commitment as a patient any person who is known to possess any of the following licenses issued by an accredited State or Federal licensing agency: Physician, nurse, dentist, pharmacist, stationary engineer, railroad engineer, steam fireman, dynamiter, or airplane operator.

Item 2 At the time of admission by commitment to any State institution under the Department of Mental Health, or private institution licensed by that Department, inquiry shall be made to determine whether or not the patient holds a license to operate a motor vehicle or airplane and a notation shall be made on the face of the case folder. In all cases where a patient does hold a license to operate a motor vehicle notification shall be sent to the Department.

Regulation No. 11 **State Institutions**

FAMILY CARE

Ref. G.L. 123, §§ 16, 16A, 17, 18, 31

Item 1 General

a. Subject to the sections of the law cited above a patient may be placed at board in a private family. This is known as "Family Care" and commitment papers remain in force irrespective of time elapsed.

b. A person who is dangerous, or who is addicted to the intemperate use of narcotics or stimulants, shall not be placed in family care.

c. Not more than a total of six patients may be placed in a single home. In the case of state schools for the feebleminded, the number may be increased to ten with the written approval of the Department.

d. The provisions of all regulations relating to patients actually in residence in the institutions also govern patients in family care where applicable.

e. Only patients of the same sex shall be placed in a single home except with the approval of the Department.

Item 2 Selection and Approval of the Home

a. A patient shall not be placed in family care in a home licensed by another department except by permission of the licensing agency.

b. Before acceptance for family care placement of patients, each home shall be investigated by a representative of the hospital and be approved by the superintendent.

Item 3 Medical and General Care

a. So long as a patient remains in family care the institution is responsible for supervision of all conditions of care.

b. A family care patient shall be visited by a representative of the institution at least four times yearly. He shall receive a mental and physical examination at least once yearly.

c. An attempt shall be made to provide a home-like atmosphere and reasonable opportunity for agreeable occupation and recreation.

d. A patient shall not be allowed to live above the second floor in a home except with written approval of the Department.

e. Each patient shall be furnished a single bed in sleeping quarters which are well ventilated and not crowded.

f. A patient shall be placed only in a building in which some member of the family actually resides.

g. A patient shall not be left unsupervised for an undue period of time and shall not be restrained or locked in.

h. Necessary clothing, medical and dental treatment and supplies may be furnished by the institution.

i. The caretaker shall immediately notify the hospital of any important developments of which the superintendent should have knowledge, such as illness or injury of the patient, escape, death, or exaggeration of mental symptoms, etc.

Item 4 Fire Protection

a. Each family care home shall conform to standards of fire protection as established by the Department of Public Safety and shall be subject to inspection by representatives of that Department.

b. If all patients have their living and sleeping quarters on the first floor, adequate exits to the outside, at least two in number, shall be provided.

c. If two or more patients live or sleep on the second floor, at least two adequate exits to the ground shall be provided so spaced that a patient cannot be trapped by fire wherever located.

d. Means of fighting fire in the home shall include access to water in reasonable quantity and hand extinguishers of approved type.

e. Accumulation of inflammable material shall not be allowed.

Item 5 Payment for Care

a. Not more than $8.00 per week may be paid for the board of a state supported patient unless the maximum amount is subsequently changed by law.

b. Remuneration for a privately supported patient is not subject to limitation and should be paid directly to the caretaker by the person representing the patient.

c. Bills for the payment of state supported patients will be scheduled for payment by the institution treasurer at the end of each month.

Regulation No. 12 **State Institutions**

TRANSFER AND DEPORTATION

Ref. G.L. 123, §§ 20, 21, 22, 22A, 66, 66A, 72, 83.

Item 1 The Department may transfer a patient who is regularly committed as insane or as feebleminded from one institution to another institution empowered to receive patients so committed.

Item 2 The department may transfer a feebleminded person held under the provisions of Section 47, Section 66 or Section 66A to and from the jurisdiction of the central department or a school for feebleminded.

Item 3 The department is authorized to transfer a voluntary patient, held under provisions of Section 86, Chapter 123, General Laws, only upon the written consent of the patient.

Item 4 The Department is also authorized, subject to provisions of law, to remove any inmate in a state institution to any country, state, or place where he belongs, provided that he is not subject to orders of a court of this Commonwealth.

Item 5 The Department has the same authority to transfer an inmate of Bridgewater State Hospital who is not under sentence or whose

sentence has expired as it has to transfer inmates of other state hospitals.

Item 6 The Department also has the same authority to transfer a patient committed as insane to or from the mental wards of Tewksbury State Hospital and Infirmary as it has to transfer patients of other state hospitals.

Item 7 The Department may transfer a patient to or from a private licensed institution only upon the written application of the superintendent or manager and of the legal or natural guardian of the patient.

Item 8 The superintendent or manager of the discharging hospital shall receive reasonable advance notice of impending transfer or deportation.

Item 9 No patient shall be transferred or deported when mentally or physically unfit to travel.

Item 10 The patient shall be suitably clothed and otherwise prepared to travel.

Item 11 The commitment papers, together with an abstract of his hospital case record, shall be transmitted with the patient to the institution to which he is transferred.

Item 12 A female patient shall be accompanied by a woman during transfer or deportation.

Item 13 The Transfer Agent shall give to the discharging hospital an itemized receipt for the patient's personal clothing and valuables and shall obtain a similar receipt from the institution or agency to which the patient is delivered.

Item 14 Upon delivery to a duly authorized agent for transfer or deportation, the patient shall be considered as discharged from the hospital and a note shall be made in the case history of the patient giving the circumstances of such discharge.

Item 15 No unrecovered patient shall be released to go to another state or country without the consent of the Department.

Item 16 No patient who has been designated by the Department as being under consideration for deportation to another state or country shall be released without the consent of the Department.

Regulation No. 13 **State Institutions**

RELATIVE TO SOLICITING, COLLECTING, PEDDLING OR BEGGING

No soliciting, collecting, peddling, or begging shall be permitted in any institution or on the grounds thereof.

Regulation No. 14 **State Institutions**

CANTEEN

Item 1 Any state institution under the Department of Mental Health is hereby authorized to sell merchandise and engage in such other activities for profit in its recreation room or other available area, as may be authorized by the superintendent and approved by the Board of Trustees. Such store shall be under the charge of a designated employee who may be furnished with patient assistants. No persons other than institutional employees shall be employed in the canteen.

Such institution may engage in the sale of merchandise by vending machines or other means located at any designated points in the institution by authorization of the superintendent and with the approval of the Trustees.

Item 2 Any such store or sale of merchandise or other activity for profit in any institution shall be known as the "Canteen" and income accruing from the operation of the Canteen shall be called the "Canteen Fund."

Item 3 No State or patient's funds shall be available to provide merchandise to be sold in any Canteen and aricles to be sold therein must be purchased independently in every way of supplies purchased for the institution.

No merchandise or property belonging to the State is to be sold in the Canteen under any circumstances.

Item 4 Any profit derived from Canteen sales conducted by the institution shall be expended for the benefit of patients and employees under the direction of the superintendent and subject to approval of the Department.

Item 5 A system of accounts approved by the Comptroller shall be installed and supervised by the Department of Mental Health.

The hospital treasurer shall have the custody of all Canteen Funds.

Item 6 Suitable bond shall be required for employees regularly working in the Canteen and for the treasurer in charge of the Canteen Fund. The cost of such bonds will be paid from the Canteen Fund.

Item 7 All sales are to be made on a cash basis but a punch card or other form of prepaid credit system may be used in lieu of cash.

Item 8 No store or other activity for profit shall be conducted on the grounds of any institution under the Department of Mental Health except as provided in this regulation.

Item 9 Inventories on all goods must be kept at a reasonable level and consistent with sales.

Item 10 An inventory should be taken monthly at selling price. "Overage" and "underage" should be reconciled each month with the inventory and cash and bills payable. Adjustments should be made each month.

Regulation No. 15 **State Institutions**

DENTAL PRACTICE

Item 1 Dental service shall be limited to patients except that the superintendent may authorize emergency dental treatment for employees.

Item 2 The cost of plate work, special fillings and bridge work exclusive of the professional services of the resident dentist shall, whenever possible, be paid by the relatives or friends of the patient.

Item 3 When such work is to be done by the hospital dentist, an estimate of the cost of the material to be used shall be submitted in advance to the one who is requested to bear the expense.

Item 4 If payment cannot be obtained from relatives or friends, the necessary dental work may be provided by the hospital with the approval of the Superintendent.

Item 5 All monies received for dental work shall be paid to the institution treasurer and shall be handled in the patient's account.

Regulation No. 15A **State Institutions**

HAIRDRESSING AND BARBER SHOP PRACTICE

Item 1 Service by hairdressers or barbers employed in a state institution shall be limited entirely to patients.

Regulation No. 16 **State Institutions**

MEDICAL FACILITIES AVAILABLE TO THE COMMUNITY

Item 1 The special medical facilities of the institution may in unusual circumstances be made available to persons in the community upon the request of a physician, at the direction of the Superintendent. The charge for this service shall in no instance be less than the cost thereof and shall be credited to income.

Item 2 Emergency first aid treatment in accident cases brought to the hospitals may be rendered. In such cases, charges shall be made commensurate with the charges of the general hospitals in the community. Such cases shall be removed as soon as their physical condition permits. A record should be made of the condition of the patient and the service rendered.

Regulation No. 17 **State Institutions**

RELATING TO WARD SERVICE AND EMPLOYEES IN GENERAL

Item 1 Each new employee shall be furnished with a copy of the employees' Manual of State Hospitals under the Department of Mental Health, and instructed to read it thoroughly and signify in writing that they are familiar with the contents before going on duty.

Item 2 A report shall be made within forty-eight hours of any accident sustained by an employee in line of duty and sent to the Department of Mental Health upon the form provided therefor by the Department of Industrial Accidents and a report of such accident should be submitted to the State Board of Retirement or the employee notified of the necessity for such action.

Item 3 The Department of Mental Health recognizes that its employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection, provided it is accepted as a principle by any organizarion which they may establish or join, or with which they may become affiliated, that they shall not collectively cease work either on their own initiative or at the direction of any organization.

Regulation No. 18 **State Institutions**

VACATIONS, SICK TIME, LEAVE OF ABSENCE

Reference Manual of the Commission on Administration and Finance (Rules and Regulations Governing Leaves of Absence and Overtime).

Item 1 Vacations, sick time and leaves of absence are in accordance with rules and regulations emanating from the Commission on Administration and Finance and interpretations thereof.

Regulation No. 19 **State Institutions**

BUSINESS WITH OTHER STATE DEPARTMENTS

Item 1 All business transactions and correspondence between state institutions under the Department of Mental Health and other Departments of the state government or official agencies of other states or of the United States Federal government shall be conducted through the Department of Mental Health except as specified in Items 2–7, inclusive.

Item 2 Correspondence with the state division of Civil Service regarding appointments may be sent directly to that Division and copy furnished to the Department.

Item 3 Laboratory specimens sent to the Public Health Service Agencies, material to be examined by the Bureau of Standards laboratory, farm materials to be examined by laboratories at the State College or agencies of the Department of Agriculture may be sent direct.

Item 4 Transactions other than placing of orders regarding supplies obtained from the Department of Correction may be carried out directly between the institution and the Department of Correction.

Item 5 Notification of communicable diseases to health agencies and matters falling under the jurisdiction of the District Health Officer of the State Department of Public Health, may be carried on directly between the institution and the representative of the Department of Public Health; but outbreaks of contagious disease must be reported to the department also.

Item 6 Requests for assistance, notification of escape, return of patients, etc., may be sent directly by the institution to the State Police.

Item 7 Reports to the State Fire Marshal may be submitted directly and copies sent to the Department.

Item 8 Vendor's original Departmental purchase order and Comptroller's duplicate copy are to be forwarded direct to the Comptroller's Bureau and simultaneously a copy to the Department. Complying with Bulletin No. 6–1941, Comptroller's Bureau, and with other procedures prescribed by the Commission on Administration and Finance now in existence or hereafter issued, shall not be construed as a violation of this regulation.

Regulation No. 20 **Licensed Institutions**

RELATIVE TO LICENSING AND OPERATION OF PRIVATE INSTITUTIONS FOR THE CARE OF THE INSANE, FEEBLE-MINDED OR EPILEPTIC PERSONS, OR PERSONS ADDICTED TO THE INTEMPERATE USE OF NARCOTICS, HABIT FORMING STIMULANTS OR SEDATIVES

The following regulations relative to the licensing and operation of private institutions are hereby adopted:

Item 1 The original application for license must be made in the form prescribed by the Department.

Item 2 The application for license must be accompanied by a plan showing the extent of the property, location and plans of existing buildings, together with plans and specifications of all buildings to be erected, and a description of the system of sewage disposal, of water supply and of heating and lighting.

Item 3 Sufficient measures for fire protection, approved by the Department of Mental Health and the Department of Public Safety, must be provided. (Reference—Section 40, Chapter 123, General Laws.)

Item 4 A licensed institution shall submit to the Department for approval prior to construction, plans and specifications of projected buildings or extensive modifications of existing installations.

Item 5 A licensed institution must be equipped to give treatment in accord with modern methods.

Item 6 An institution licensed to care for persons with mental disease, epilepsy or drug addiction must be constantly in the charge of a physician, qualified as provided in Sections 33 and 53, Chapter 123, General Laws.

Item 7 A licensed private institution shall have a physician on the premises constantly.

Item 8 The head nurse of a licensed institution shall be a person who has had training and experience in psychiatric nursing and who is approved by the Department.

Item 9 In institutions caring for feebleminded only, the provisions of Items 6, 7 and 8 may be modified or waived by the Department in its discretion, but the person in charge of such institutions shall have had experience in the care, training and education of the feebleminded acceptable to the Department.

Item 10 The nursing personnel of every licensed institution shall be adequate to care for patients under treatment therein in accordance with modern standards. Such nursing force shall be increased whenever deemed inadequate by the Department.

Item 11 Patients shall not be kept on the third floor of any building without written permission from the Department.

Item 12 Licensed institutions are required to observe the provisions of Chapter 123, General Laws, governing the admission, care and release of insane, feebleminded or epileptic persons or persons addicted to the intemperate use of narcotics and stimulants.

Item 13

a. The original order of commitment, with accompanying copies of application and medical certificates, shall be kept permanently and in a secure place and protected against destruction by fire. In the case of voluntary patients, the original application and report of admission shall be kept in a similar manner. In the case of patients received by order of transfer by the Department, the order of transfer shall be filed with the papers under which patient is held.

b. The original orders for restraint and seclusion issued by the physician in charge on D.M.H. Form No. A-32 shall be kept for a period of at least two years. Proper entry on D.M.H. Form No. A-33 shall be made which shall constitute a permanent record.

c. A newly admitted patient shall receive at least physical examination, history, mental status, and indicated laboratory tests.

d. Resident patients shall receive mental and physical examination at least annually.

e. Progress notes, including treatment record, shall be made at least once quarterly. In the instance of schools for the feebleminded, educational progress notes shall be made monthly. Records of indicated psychological tests made shall also be kept.

Item 14 Licensed institutions are subject to inspection by a representative of the Department at any time. Refusal to permit inspection shall be sufficient reason for revocation of license. The scope of the Department's inspection and report shall include among other things the following:

a. Census of patient population on date of visit classified by sex and type of admission.

b. The names of physicians; number and classification of employees.

c. Interview of all voluntary patients to determine fitness for voluntary status. Interview with any patient desiring an interview.

d. Investigation of restraint and seclusion.

e. Efficiency of fire prevention provisions, including adequacy of fire escapes, fire alarm systems and other means of protection of life against fire.

f. Visit of all parts of the premises and a report on the general condition of the buildings, furnishings and grounds.

g. Inspection of the water supply; sewage disposal; adequacy and sanitary condition of bathrooms and toilets; the availability and sanitary condition of hydrotherapeutic equipment; condition of mattresses and bed clothes.

h. Examination of the service, preparation and palatability of food.

i. Report on the adequacy of laboratory examinations, histories, progress notes, physical examinations, registries of admissions, transfers, discharges and deaths, and review of all papers of admission.

j. Report on construction and improvements contemplated or made since the last inspection.

k. Report on compliance with recommendations made in previous inspection reports.

Item 15 A copy of the inspector's report shall be furnished to the managing officer of the institution visited.

Regulation No. 21 **State Institutions**

PERTAINING TO FIRES AND FIRE HAZARDS

Ref. G.L. 123, §§ 7 and 40.

Item 1 Institution Fire Department

a. Each institution shall maintain a fire department in which all employees shall be subject to service.

b. Adequate instruction in fire fighting shall be given to fire department members.

Item 2 Exits

a. Each building shall be provided with proper means of escape from fire which are unobstructed and ready for use at all times.

b. Certificates issued by the Department of Public Safety shall be posted. (Reference: Section 40, Chapter 123, General Laws.)

Item 3 Prevention

a. Highly inflammable material, unless in fire-proof containers, shall not be stored in buildings used as living quarters by patients or employees.

b. All attics, basements, closets, etc., shall be kept free of dust, oily rags and other inflammable material.

c. Only safety matches shall be authorized for use on institution premises.

d. Household electrical appliances shall be used only in such places and under such conditions as may be approved by the Superintendent.

Item 4 Construction

a. All new electric wire or replacements shall be installed in accordance with the National Code of Fire Underwriters and with State regulations.

b. No existing fire doors, fire walls, smoke screens, ventilating standpipes or heat ducts, or new installations of the same, shall be removed, altered, or installed without prior approval of the Department of Public Safety and Department of Mental Health.

c. Only fire-resisting or fire-proof roofing shall be used in new construction or replacements.

Item 5 Chemical Extinguishers

a. Adequate numbers of chemical fire extinguishers, suitably hung on the wall and clearly marked to insure easy access in case of need, shall be available. Laboratories and kitchens, power plants, etc., shall have special extinguishers for grease, chemical and electrical fires.

b. Each extinguisher shall bear a permanent number and all soda acid extinguishers shall be recharged once in every twelve months. A record bearing the refill date shall be securely attached to the extinguishers. Replacement extinguishers should be subtituted in place while regular extinguishers are being recharged.

c. A permanent record shall be kept of the location of each extinguisher and the date of each refilling. This record shall be available for inspection.

d. No change shall be made in the location of any extinguisher except with the approval of the superintendent.

e. Extinguishers which have been used shall be recharged and replaced immediately.

Item 6 Stand pipes and Hose

a. On disturbed wards and in other locations as determined by the superintendent, hose reels, including shut-off valves from standpipes, shall be installed in locked cabinets. Each cabinet shall be clearly and appropriately marked.

b. Each employee shall be furnished with proper keys for fire equipment cabinets.

c. Standpipe valves shall be equipped for a handle at all times.

Item 7 Sprinkler Systems

a. Sprinkler systems, wet or dry, shall never be left in inoperable condition without due notice being given to the Superintendent.

b. All shut-off water valves, also all valves of dry systems, shall be clearly marked. A record of the location of such valves shall be kept. One copy of this record shall be filed in the Superintendent's office.

Item 8 Mobile Equipment

a. All mobile fire-fighting equipment shall be kept in good condition available for use at all times.

Item 9 Fire Hydrants

a. A map showing the location of all hydrants, together with shut-off valves to the supplying pipe lines, shall be kept available for use at all times.

b. Hydrants shall be kept in clear view free from obstruction at all times, the outlets being at least fifteen inches or more above ground level.

c. All hydrants shall be flushed.out at least once yearly.

Item 10 Inspection and Drills

a. Monthly inspections of exits, fire-fighting equipment, extinguishers, standpipes, hose reels, hydrants, sprinkler systems, alarm systems, and mobile equipment shall be made and a record kept of such inspections.

b. Fire drills including check of all exits shall be held at least once every month.

Item 11 Reporting of Fires

a. All fires, regardless of severity, occurring in the institution, are to be reported in writing to the Department of Mental Health within forty-eight hours of the fire. This report shall contain the following information: Location of the fire, time, by whom discovered, by whom and to whom reported, local alarm—town or city alarm, response of institutional fire fighting forces, responses of city or town fire-fighting forces, help from outside cities or towns, if received, any injury or serious mishap to patients, employees, or outside firemen, description of damage or destruction to the physical property of the institution, investigation made and determined cause of the fire, estimated cost of the damage, comments on adequacy of equipment and personnel in combating this fire, whether or not the fire was reported to the State Fire Marshal, and recommendations for prevention of future similar fires.

b. In all serious fires with possible danger to patients and employees, destruction of buildings, livestock or expensive equipment, or any fire which might cause public concern, the department is to be immediately notified by telephone or telegraph.

c. All fires in state institutions in which the damage amounts to $100 or more, or in which serious injury or death has occurred to persons, or where arson is suspected, are to be reported to the State Fire Marshal. This should be done immediately.

Regulation No. 22 **All Institutions**

DRUGS, NARCOTICS, ALCOHOL AND POISONS

Item 1 General Drugs

a. The principal supply of drugs for compounding and dispensing shall be kept in a special place secure against unauthorized entrance.

b. Drugs may be kept on wards in sufficient quantities to meet current needs.

c. Ward supplies of drugs must be kept in locked cabinets in a locked room. The doors of the cabinets and rooms must be kept locked at all times when not in active use.

d. All drugs are to be given only on the order of a physician.

e. Drugs are to be administered only by competent persons designated for the purpose.

f. Unused supplies of issued drugs shall not be returned to stock containers.

g. Drugs to be discarded shall be disposed of in such a way that no harm can come to any person.

Item 2 Narcotics (Reference Chapter 94, Sections 197-217 incl., G. L. Reg. No. 5, U. S. Treasury Dept., Bureau of Narcotics 1938.)

a. All institutions must obtain authority to purchase and dispense narcotics prior to July 1st of each year in accordance with Federal requirements.

b. Narcotic drugs and supplies shall be stored separately secure against access except by authorized persons and shall be dispensed only on a physician's written order.

c. Perpetual inventory of narcotic drugs shall be maintained.

d. Prescriptions for narcotics shall be retained for at least two years.

e. All order forms, duplicate forms, prescription records, returns and inventories required under the Harrison Narcotic Act or

the regulations pertaining to narcotic control to be kept on file shall be kept so that they can be readily inspected.

Item 3 Alcohol

a. Tax free alcohol shall be kept in a separate room under special lock.

b. All withdrawals must be properly recorded and monthly reports filed with the U. S. Bureau of Internal Revenue.

Item 4 Poisons

a. The containers of all poisonous substances, wherever kept, shall bear a distinctive label indicating the poisonous nature of the contents.

b. Poisonous substances wherever kept on hospital property shall be kept stored in a locked place.

Regulation No. 23 **All Institutions**

PATIENTS' CORRESPONDENCE

Item 1 Unless known to have obscene or other unmailable content, any mail addressed by a patient to the Commissioner or other representative of the Department shall be forwarded and if sealed shall be sent unopened.

Item 2 The Superintendent shall exert a proper discretion in the matter of delivering mail to the patients and in preventing the transmission of letters intended by such patients for delivery to other persons, especially when the interests or the recovery of patient might be injured or the safe administration of the affairs of the institution interfered with. Patients shall be allowed a reasonable amount of stationery and postage. Care should be taken to assure all patients opportunity to write to friends or relatives if they so desire.

Item 3 Incoming mail, including packages, shall be scrutinized and appropriate action taken to safeguard against loss of money or articles of value contained therein, and weapons or other unsuitable articles shall be returned to the sender or otherwise disposed of.

Regulation No. 24 **All Institutions**

VISITS TO PATIENTS

Ref. G.L. 123, § 97.

Item 1 An attorney-at-law regularly retained by or on behalf of a patient shall be allowed to visit his client at reasonable times.

Item 2 Relatives or friends should be allowed to visit a patient when, in the opinion of the Superintendent, such visit will not be detrimental to the patient.

Item 3 Accurate record of the identity of visitors, addresses, and dates of visits, shall be kept by the institution.

Item 4 Each institution must endeavor to prevent visitors from giving a patient money, medicines, matches, knives, or other sharp instruments, or to accept for mailing letters written by patients.

Regulation No. 25 **State Institutions**

NOTIFICATION OF COMMISSIONER OF KNOWLEDGE OF DISHONESTY, INHUMANE TREATMENT OF PATIENTS, OR GROSS INEFFICIENCY

Where any knowledge of dishonesty, inhumane treatment of patients, or gross inefficiency is obtained in regard to the conduct of the affairs of any of the Divisions of the Department, or in the conduct of the affairs of any of the public institutions coming under the jurisdiction of the De-

partment, such information immediately shall be called to the personal attention of the Commissioner, in writing, by the Division Head, or responsible administrative Head of the institution.

Regulation No. 26 **State Institutions**

PUBLICATION OF ARTICLES

No essay, pamphlet, book, or other article written by a member of the staff of a State Hospital or School purporting to deal with the work or practices of the Institution shall be offered for publication in any journal or magazine without the approval of the Department.

Regulation No. 27 **State Institutions**

DESTRUCTION OF REPORTS, DOCUMENTS, RECORDS, ETC.

Item 1 All books, whether bound or loose-leaf, and any card system or records required by the Comptroller in financial matters and all duplicate bills as required by statute, must be kept indefinitely. However, if desired, after the expiration of ten years, a special request may be made to the Department for the destruction of stock books and other similar records.

Item 2 Cancelled checks over six years old may be destroyed.

Item 3 The following records relating to patients are to be kept permanently. The use of forms marked with an asterisk is optional. The forms not marked with an asterisk must be used in the institutions for which they are designed.

A- 1 Case Record Folder—Hospitals.
A- 2 Case Record Folder—Schools.
A- 3 Case Record Sheet.
A- 4 Admission Record.
A- 7 Patient's Index Card.
A- 8 Clinical Chart.
*A- 10 Case History.
*A- 11 Laboratory Analyses.
*A- 12 Anaesthesia Record.
*A- 13 Operative Record.
*A- 14 Doctor's Order Sheet.
A- 15 Gynecological Chart.
*A- 18 Permission for Operation.
*A- 31 Record of Convulsions.
A- 32 Order for Restraint and Seclusion.
A- 33 Record of Restraint and Seclusion.
A- 35 Dental Record Card.
*A- 45 Record of Visitors.
*A- 46 Clothing Record Card—Hospitals—Female.
*A- 47 Clothing Record Card—Schools—Female.
*A- 48 Clothing Record Card—Hospitals—Male.
*A- 49 Clothing Record Card—Schools—Male.
A- 52 Weight Chart.
A- 58 Mortuary Report.
*A- 59 Permission for Autopsy.
A- 60 Escape Report.
A- 61 Accident and Injury Report.
A- 70 Admissions—Week Ending (1).
A- 71 Dismissals—Week Ending (2).
A- 72 Dismissals—Week Ending (3).
A- 73 Dismissals—Week Ending (3)—Schools.
*A- 74 Optician's Prescription Card.

A- 79 Application for Admission—Nurses' Training School.
A- 80 Nurses' Training School Record Sheet.
A- 81 Descriptive Application for Admission—Schools.
A- 85 Individual Record Cards Sheet for Statistical Purposes.
A- 99 School Clinic Records—School Clinic.
A-100 School Clinic Records—Field of Inquiry.
A-101 School Clinic Records—Correlation Sheet.
A-102 School Clinic Records—Physical Examination.
A-103 School Clinic Records—Family History.
A-104 School Clinic Records—Personal and Developmental History.
A-105 School Clinic Records—History of School Progress.
A-106 School Clinic Records—School Test.
A-107 School Clinic Records—Practical Knowledge I.
A-108 School Clinic Records—Practical Knowledge II.
A-109 School Clinic Records—Economic Efficiency.
A-110 School Clinic Records—Social History and Reactions.
A-111 School Clinic Records—Moral Reactions.
A-112 Record Sheet—Binet-Simon Tests.
A-113 Social Service—Initial Sheet.
A-119 Social Service—Research Card—Wage Earners' Group—Schools.
*A-129 Time Card.
A-167 Weekly Milk Production.
A-168 Information Sheet for Herd Book.
A-176 Employee's Record Card.
A-186 Individual Cow Record.

Item 4 In addition to the forms specified in the foregoing list, all reports of physical examinations, records of clinical observations, records of visitors, records of operations and the like, are to be retained permanently.

Item 5 The following records relating to the Ward-Service and to the care of patients for the complete statistical and fiscal year preceding, should be kept until the end of the corresponding current year, and the destruction of these records is to be optional on the part of the individual hospitals or schools after the expiration of that period of time:

A- 9 Clinical Record.
*A- 16 Record of Menstruation.
A- 20 Report Card, X-Ray.
A- 21 Report Card, Blood.
A- 22 Report Card, Stomach Contents.
A- 23 Report Card, Autopsy.
A- 24 Report Card, Urine.
A- 25 Report Card, Sputum.
A- 26 Report Card, Cerebrospinal Fluid.
A- 27 Report Card, Bacteriological Examination.
A- 28 Report Card, Stool.
*A- 30 Report of Basal Metabolism Determination.
*A- 34 Dentist's Daily Report.
A- 36 Wet-Sheet Pack Report.
A- 37 Continuous Bath Report.
A- 38 Tonic Bath Report, No. 1.
A- 39 Tonic Bath Report, No. 2.
A- 40 Daily Continuous Bath Order.
A- 41 Monthly Hydrotherapy Report.
A- 62 Daily Ward Report—Hospitals.

A- 63 Daily Ward Report—Schools.
A- 64 Night Ward Report—Hospitals.
A- 65 Night Ward Report—Schools.
A- 66 Supervisor's Daily Report.
A- 67 Matron's Daily Report—Schools.
*A- 69 Daily Ward Summary.
A- 82 Prescription Blank.
A-114 Social Service—Monthly Statistical Report—Hospitals.
A-115 Social Service—Monthly Statistical Report—Schools.
A-116 Social Service—Index Card.
A-117 Social Service—General File Card.
A-118 Social Service—Reference Card.
A-125 Daily Summary—Employees.
A-135 Receipt for Articles Received for Patients.
A-154 Automobile Record.
*A-156 Industrial Department Report.
A-170 Farm—Barn Milk Score.
A-174 Application for Position.
A-175 Reference Letter.
A-187 Narcotic Perpetual Inventory.
*A-188 Narcotic and Hypnotic Record.

Item 6 The following records and memoranda intended for temporary use, and having no value as permanent records, may be destroyed at any time after they have served their purpose:

A- 5 Patient's Ward Card.
*A- 6 Statistical Memorandum.
*A- 17 Requisition for Consultant.
A- 19 Laboratory Requisition.
A- 29 Urine Specimen Label.
*A- 42 Visitors Card No. 1.
*A- 43 Visitors Card No. 2.
*A- 44 Visitors Card No. 3.
A- 50 Special Diet List.
*A- 51 Bath Report.
A- 53 Weight Report.
*A- 54 Patient's Special Pass Card.
*A- 55 Patient's Pass Card.
*A- 56 Death Notice.
*A- 57 Mortuary Slip.
*A- 75 Clothing to be Disinfected Card, Red.
A- 76 Transfer Slip.
*A- 77 Alphabetical List of Patients.
A- 83 Notice of Clothing Required.
A- 86 Daily Work Sheet—Statistical.
*A- 90 Prescription for Occupational Therapy.
*A- 93 Occupational Therapy Register.
A-126 Daily Employee Census.
A-127 Personal Slip No. 1.
A-128 Personal Slip No. 2.
A-131 Record of Outgoing Telephone Calls.
A-151 Dietary Form No. 2.
A-153 Laundry List—Personal.
A-155 Gummed Shipping Slip.
A-157 Yard Tool Ticket.
A-162 Laundry List—Household.
*A-177 Library Card.

A-178 Repair Slip.
A-179 Workshop Memorandum.

Item 7 The disposal of all other reports, records, forms and memoranda which are obviously not intended for any permanent use, and which are not covered in this regulation, is to be optional on the part of the individual institution.

Item 8 Relative to Narcotic Drugs (including opium, opium derivatives, cocaine, alpha or beta eucaine, cannabis indica and cannabis satica).

a. A copy of each order for a narcotic drug shall be kept on file at the institution for at least two years. (Reference Chapter 94, Section 201 and 202, General Laws, Ter. Ed.: also Federal Regulations.)

b. Each prescription for a narcotic drug shall be kept on file at the institution for at least two years. (Reference Chapter 94, Section 198. General Laws, Ter. Ed.: also Federal Regulations.)

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